

Entered

FILED

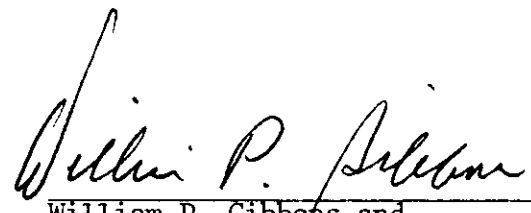
JAN 31 1984

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

G-N LIMITED, an Ohio Partnership, et al.,	)	No. 83-C-926
	)	
Plaintiffs	)	(Formerly Case No. C83-2304
	)	in the United States District
vs.	)	Court for the Northern District
	)	of Ohio, Eastern Division)
VEMCO 1981 PRIVATE DRILLING PROGRAM, an	)	
Oklahoma Partnership, et al.,	)	Judge Thomas R. Brett
	)	
Defendants.	)	<u>NOTICE OF DISMISSAL</u>

PLEASE TAKE NOTICE that the above-entitled action is hereby  
dismissed, without prejudice, at cost to the Plaintiffs.



William P. Gibbons and  
Robert J. Rotatori  
Susan L. Gragel  
Gold, Rotatori, Schwartz &  
Gibbons Co., L.P.A.  
1100 Ohio Savings Plaza  
Cleveland, Ohio 44114  
(216) 696-6122

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the above Notice of Dismissal was sent by regular United States mail, postage prepaid, on this 27th day of January, 1984, to the following:


William G. Campbell and  
Maureen E. McGrath  
Kutak Rock & Huie  
1650 Farnam Street  
Omaha, Nebraska 68102

Irwin S. Haiman  
McCarthy, Lebit, Crystal, Kleinman  
& Haiman Co., L.P.A.  
900 Illuminating Building  
Cleveland, Ohio 44113

Elsie Draper, Esq.  
Gable & Gotwals  
20th Floor, Fourth National Bank Building  
Tulsa, Oklahoma 74119

Messrs. Frederick Dorwart and  
Richard Popp  
Holliman, Langholz, Runnels & Dorwart  
Suite 700, Holarud Building  
10 East Third Street  
Tulsa, Oklahoma 74103

Michael F. Grdina, Esq.  
3690 Orange Place, Suite 325  
Beachwood, Ohio 44122

  
William P. Gibbons  
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

RIFFE PETROLEUM COMPANY,

Plaintiff,

vs.

ASCO, INC.; AROWHEAD  
ASPHALT CO., INC.; JACK  
SHARPENSTEEN; DOROTHY  
SHARPENSTEEN; SCOTT  
SHARPENSTEEN,

Defendants.

No. 83-C-734-E ✓

**FILED**

JAN 31 1984 *him*

JACK C. SILVER, Clerk  
U. S. DISTRICT COURT

JUDGMENT

The Motion of Plaintiff, Riffe Petroleum Company, for Summary Judgment pursuant to Federal Rule of Civil Procedure 56 came on regularly before the Court on January 12, 1984. The Court, having read the pleadings and affidavits on file in this cause, and being fully advised in the premises, finds that Defendants' only answer in this cause is a general denial; that Defendants have failed to respond as set forth in Rule 56(c) of the Federal Rules of Civil Procedure and Rule 124 of the Rules of the United States District of Oklahoma, Defendants' failure to respond to Plaintiff's Motion for Summary Judgment constitutes a waiver of objection by Defendants and a confession by Defendants of the matters raised by Plaintiff's Motion for Summary Judgment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for Summary Judgment be, and the same is hereby granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff,

Riffe Petroleum Company, shall have judgment in its favor on Count One of its Complaint against Defendant, Asco, Inc., in the amount of \$60,885.10 with interest on the principal sum as a finance charge from the date of indebtedness through the date of this judgment at a rate of 18% per annum; interest thereon from the date of judgment at a rate of 9.87% per annum until paid; attorneys' fees and costs of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff Riffe Petroleum Company, shall have judgment in its favor on Count Two of its Complaint against Defendants, Asco, Inc. and Arrowhead Asphalt Co., Inc., declaring that said Defendants have breached the Settlement Agreement entered into by and between Plaintiff and said Defendants on October 4, 1982 and that Plaintiff is relieved from any further responsibility for performance under said Settlement Agreement.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff, Riffe Petroleum Company, shall have judgment in its favor on the Promissory Note set forth in Count Three of its Complaint against Defendant, Arrowhead Asphalt Co., Inc., in the amount of \$60,875.52 with interest accruing on each installment due on said Note at a rate of 18% per annum from the date of making of said Note to the date of maturity of each installment and at a rate of 20% per annum from the date of maturity of each installment through the date of this judgment; interest thereon from the date of judgment at a rate of 9.87% per annum until paid, attorneys' fees and costs of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff,

Riffe Petroleum Company shall have judgment in its favor on the Guaranty Agreement set forth in Count Four of its Complaint, guarantying payment of the indebtedness evidenced by the aforementioned Promissory Note, against Defendant, Jack Sharpensteen, in the amount of \$60,875.52 with interest accruing on each installment due on said Note at a rate of 18% per annum from the date of making of said Note to the date of maturity of each installment and at a rate of 20% per annum from the date of maturity of each installment through the date of this judgment; interest thereon from the date of judgment at a rate of 9.87% per annum until paid, attorneys' fees and costs of this action.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff, Riffe Petroleum Company, shall have judgment in its favor on the Guaranty Agreement set forth in Count Five of its Complaint guarantying payment of the indebtedness evidenced by the aforementioned Promissory Note, against Defendant, Dorothy Sharpensteen, in the amount of \$60,875.52 with interest accruing on each installment due on said Note at a rate of 18% per annum from the date of making of said Note to the date of maturity of each installment and at a rate of 20% per annum from the date of maturity of each installment through the date of this judgment; interest thereon from the date of judgment at a rate of 9.87% per annum until paid, attorneys' fees and costs of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff, Riffe Petroleum Company, shall have judgment in its favor on the Guaranty Agreement set forth in Count Six of its Complaint, guarantying payment of the indebtedness evidenced by the aforementioned Promissory Note, against Defendant, Scott

Sharpensteen, in the amount of \$60,875.52 with interest accruing on each installment due on said Note at the rate of 18% per annum from the date of making of said Note to the date of maturity of each installment and at a rate of 20% per annum from the date of maturity of each installment through the date of this judgment; interest thereon from the date of this judgment; interest thereon from the date of judgment at a rate of 9.87% per annum until paid, attorneys' fees and costs of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff, Riffe Petroleum Company shall have judgment in its favor on the Security Agreement set forth in Count Seven of its Complaint against Defendant, Arrowhead Asphalt Co., Inc., and shall have foreclosure of the security interest created by said Security Agreement.

DATED this 3/5/ day of January, 1984.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

C.I.T. CORPORATION, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
ASCO, INC., an Oklahoma )  
corporation, and )  
SCOTT KENT SHARPENSTEEN, )  
 )  
Defendants. )

No. 83-C-581-E

**FILED**

JAN 31 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

On this 31<sup>st</sup> day of January, 1984, the Motion for Summary Judgment filed herein by Plaintiff, C.I.T. Corporation, comes on for hearing in its regular order; the Court, after reviewing the file and being fully advised in the premises, finds that the Motion should be sustained and judgment entered for Plaintiff.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that C.I.T. Corporation have and recover judgment herein by summary adjudication pursuant to Rule 56 of the Federal Rules of Civil Procedure as hereinafter set forth;

I.

IT IS ORDERED, ADJUDGED AND DECREED under the First Count

herein that C.I.T. Corporation have and recover judgment against Asco, Inc. for the sum of \$5,736.25 together with interest thereon at the rate of 18% per annum from February 17, 1983, to date of judgment and interest at a rate of 9.87% from date of judgment, together with the costs of this action and reasonable attorneys fees and that C.I.T. has a valid, paramount security interest in and is entitled to immediate possession of the following described personal property:

Thurman 52-ton portable truck scales, model 52-T5010RX-5, Serial No. 69PT-4311, with 10' x 60' steel bed, doubleweigh, digital readout;

Bucket for Caterpillar 950 loader.

and that Asco, Inc., together with its agents and representatives, hereby is directed to deliver up the said property above described to C.I.T. Corporation; the said security interest of C.I.T. Corporation may be foreclosed with the proceeds applied first to the costs of this action and the expenses of the sale, and then to the indebtedness owing to C.I.T. Corporation, and that any surplus be paid into Court to abide the further order of the Court.

## II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED under the Second Count herein that C.I.T. Corporation have and recover judgment against Asco, Inc., for the sum of \$27,736.75 together with interest thereon at the rate of 18% per annum from February 25, 1983 to date of judgment and interest at a rate of 9.87% from date of judgment, together with the costs of this action and reasonable attorney fees and that C.I.T. Corporation has a valid,



paramount security interest in and is entitled to immediate possession of the following described personal property;

One-Tech steel model 40 TFGN trailer, S/N  
02806, 40-ton, 3 axle;

and that Asco, Inc., together with its agents and representatives, hereby is directed to deliver up the said property above described to C.I.T. Corporation; the said security interest of C.I.T. Corporation may be foreclosed with the proceeds applied first to the costs of this action and the expenses of the sale, and then to the indebtedness owing to C.I.T. Corporation, and that any surplus to be paid into Court to abide the further order of the Court.

### III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED under the Third Count herein that C.I.T. Corporation have and recover judgment against Asco, Inc. and Scott Kent Sharpensteen for the sum of \$40,633.60 together with interest thereon at the rate of 18% per annum from February 17, 1983 to date of judgment and interest at a rate of 9.87% from date of judgment, together with the costs of this action and reasonable attorneys fees and that C.I.T. Corporation has a valid, paramount security interest in and is entitled to immediate possession of the following described personal property:

One-Cedarapids Model 4033 Portable Hammermill  
Secondary Plant, S/N 21459, w/30"  
reciprocating feeder and hopper mounted on  
plant, 30" feed conveyor, 4' x 14' double deck

screen, 30" delivery conveyor, closed circuit plant with Detroit diesel 4-71 power unit on plant with mechanical drives; Tandem axle carrier with 9:00 x 20 tires;

and that Asco, Inc., and Scott Kent Sharpensteen, together with their agents and representatives, hereby are directed to deliver up the said property above described to C.I.T. Corporation; the said security interest of C.I.T. Corporation may be foreclosed with the proceeds applied first to the costs of this action and the expenses of the sale, and then to the indebtedness owing to C.I.T. Corporation, and that any surplus be paid into Court to abide the further order of the Court.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED under the Fourth Count herein that C.I.T. Corporation is entitled to immediate possession of all of the property above described for the purposes of foreclosure and application of the proceeds to the indebtedness set forth herein and the Court further decrees that it will consider an award of attorneys fees and court costs upon separate application to tax costs and attorneys fees herein by Plaintiff, C.I.T. Corporation. Let execution issue herein for enforcement of the above orders and decrees.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

ROGER P. PARRISH, and KATHY R. )  
PARRISH, husband and wife; )  
ROBERT C. WHITE; COUNTY )  
TREASURER and BOARD OF COUNTY )  
COMMISSIONERS, OTTAWA COUNTY, )  
OKLAHOMA, )

Defendants. )

CIVIL ACTION NO. 83-C-160-E

JAN 31 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 31st day  
of Jan, 1984. The Plaintiff appears by Layn R.  
Phillips, United States Attorney for the Northern District of  
Oklahoma, through Peter Bernhardt, Assistant United States  
Attorney; the Defendants, County Treasurer and Board of County  
Commissioners, Ottawa County, Oklahoma, appear by David L.  
Thompson, Assistant District Attorney, Ottawa County, Oklahoma;  
the Defendant, Roger P. Parrish, appears not having previously  
filed his Disclaimer herein; the Defendant, Robert C. White,  
appears not, having previously filed his Disclaimer herein; and  
the Defendant, Kathy R. Parrish, appears not, but makes default.

The Court being fully advised and having examined the  
file herein finds that the Defendant, County Treasurer, Ottawa  
County, Oklahoma, was served with Summons and Complaint on  
February 18, 1983; that the Defendant, Board of County

Commissioners, Ottawa County, Oklahoma, was served with Summons and Complaint on February 17, 1983; and that the Defendant, Kathy R. Parrish, was served with Alias Summons and Complaint on September 17, 1983.

It appears that the Defendant, Roger P. Parrish, has filed his Answer on November 3, 1983, accepting service of process herein, and filed his Disclaimer on January 19, 1984, disclaiming any right, title or interest to the real property which is the subject matter of this foreclosure action; that the Defendant, Robert C. White, has filed his Disclaimer on November 15, 1983, disclaiming any right, title or interest to the real property which is the subject matter of this foreclosure action; that the Defendants, County Treasurer and Board of County Commissioners, Ottawa County, Oklahoma, have filed their Answer on January 4, 1984; and that the Defendant, Kathy R. Parrish, has failed to answer and her default has been entered by the Clerk of this Court on October 26, 1983.

The Court further finds that this is a suit based upon a certain promissory note for foreclosure of a real estate mortgage securing said promissory note upon the following described real property located in Ottawa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot 4 in Block 9 in MIAMI HEIGHTS ADDITION to the City of Miami, Ottawa County, Oklahoma, according to the recorded plat thereof,

THAT on January 10, 1978, Roger P. Parrish and Kathy R. Parrish, executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory

note in the amount of \$11,700.00, payable in monthly installments with interest thereon at the rate of 8 percent per annum.

That as security for the payment of the above described note, Roger P. Parrish and Kathy R. Parrish, executed and delivered to the United States of America, acting through the Farmers Home Administration, a real estate mortgage dated January 10, 1978, covering the above described property. Said mortgage was recorded in Book 375, Page 629, in the records of Ottawa County, Oklahoma.

The Court further finds that the Defendants, Roger P. Parrish and Kathy R. Parrish, made default under the terms of the aforesaid promissory note and mortgage by reason of their failure to make monthly installments due thereon, which default has continued and that by reason thereof the Defendants, Roger P. Parrish and Kathy R. Parrish, are indebted to the Plaintiff in the principal sum of \$11,891.87, plus accrued interest of \$2,135.34 as of October 1, 1982, plus interest thereafter at the rate of 8 percent per annum or \$2.6064 per day until judgment, plus interest thereafter at the legal rate until fully paid, the costs of this action accrued and accruing.

The Court further finds that the Defendant, County Treasurer, Ottawa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$96.25. Said lien is superior to the interest of the Plaintiff, United States of America.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants,

Roger P. Parrish and Kathy R. Parrish, in the principal amount of \$11,891.87, plus accrued interest of \$2,135.34 as of October 1, 1982, plus interest thereafter at the rate of 8 percent per annum, or \$2.6064 per day, until judgment, plus interest thereafter at the current legal rate of \_\_\_\_\_ percent per annum until paid, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Ottawa County, Oklahoma, have and recover judgment in the amount of \$96.25, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of the Defendants, Roger P. Parrish and Kathy R. Parrish, to satisfy the money judgment of the Plaintiff herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including costs of the sale of said real property;

Second:

In payment of the Defendant, County Treasurer, Ottawa County, Oklahoma, in the amount of \$96.25, ad valorem taxes which are

presently due and owing on said real  
property;

Third:

In payment of the judgment rendered herein in  
favor of the Plaintiff.

The surplus from said sale, if any, shall be deposited  
with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from  
and after the sale of the above described real property, under  
and by virtue of this judgment and decree, the Defendants and all  
persons claiming under them since the filing of this Complaint,  
be and they are forever barred and foreclosed of any right,  
title, interest or claim in or to the subject real property or  
any part thereof.

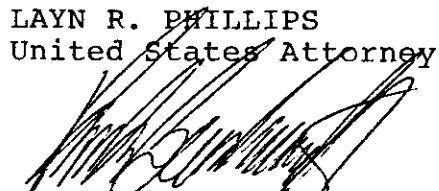
S/ JAMES O. ELLISON

---

UNITED STATES DISTRICT JUDGE


APPROVED:

LAYN R. PHILLIPS  
United States Attorney



---

PETER BERNHARDT  
Assistant United States Attorney



---

DAVID L. THOMPSON  
Assistant District Attorney  
Attorney for Defendants,  
County Treasurer and  
Board of County Commissioners,  
Ottawa County, Oklahoma

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERRY DALE GORDON; WILMA JEAN  
GORDON; GUARANTY NATIONAL BANK  
OF TULSA; MILDRED WHITEN;  
LAWRENCE J. BABB; STATE OF  
OKLAHOMA, ex rel. OKLAHOMA TAX  
COMMISSION; STATE OF OKLAHOMA,  
ex rel. OKLAHOMA EMPLOYMENT  
SECURITY COMMISSION; ROBERT L.  
ORBACH, d/b/a ORBACH'S;  
ROBERT L. STOTTS; DONNA FAYE  
STOTTS; TERCO, INC., d/b/a  
BOSCO SERVICES; CENTRAL  
PROCESS AND SALES COMPANY, INC.;  
CECIL J. BROOKS; GUSETTA J.  
BROOKS; MARK RIDGEWAY; R & B  
EQUIPMENT CO.; GROUP HOSPITAL  
SERVICES, d/b/a  
BLUE CROSS AND BLUE SHIELD OF  
OKLAHOMA; HANNA LUMBER COMPANY;  
EASTWAY INVESTMENT CORP. OF  
TULSA; FRONTIER FEDERAL SAVINGS  
AND LOAN ASSOCIATION; ROY L.  
HATFIELD; EUNICE HATFIELD;  
JAMES DILLEY, a/k/a JIM DILLEY;  
J. P. DILLEY; THE FOURTH  
NATIONAL BANK OF TULSA;  
SADIE FOGALEY; JOE RICHARD;  
CITY BANK AND TRUST CO. OF  
TULSA; MARY EDITH BABB; COUNTY  
TREASURER, TULSA COUNTY,  
OKLAHOMA; BOARD OF COUNTY  
COMMISSIONERS, TULSA COUNTY,  
OKLAHOMA,

Defendants.

CIVIL ACTION NO. 79-C-367-E

FILED

JAN 31 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 31<sup>ST</sup> day  
of January, 1983. The Plaintiff, United States of



America, on behalf of its agent and instrumentality, the Small Business Administration, appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney; the Defendants Mildred Whiten and Lawrence J. Babb appearing by their attorneys William J. Chronos, and R. J. Childers; the Defendant State of Oklahoma, ex rel. Oklahoma Tax Commission, appearing by its attorney Joe Mark El Kouri; the Defendant State of Oklahoma, ex rel. Oklahoma Employment Security Commission appearing by its attorney James D. Stevens; the Defendant Central Process and Sales Company, Inc. appearing by its attorney John B. Jarboe; the Defendant Group Hospital Service, d/b/a Blue Cross and Blue Shield of Oklahoma appearing by its attorney L. Richard Howard; the Defendant Hanna Lumber Company appearing by H. Ed Hanna; and the Defendants Sadie Fogaley, Joe Richard, Roy L. Hatfield, Eunice M. Hatfield, Robert L. Orbach, d/b/a Orbach's, Jerry Dale Gordon, Wilma Jean Gordon, Donna Faye Stotts, Robert L. Stotts, Mark Ridgeway, Eastway Investment Corporation of Tulsa, James Dilley, a/k/a Jim Dilley, and J. P. Dilley, appearing not.

The Court being fully advised and having examined the file herein finds that the Defendants were served with Summons and Complaint, Summons and First Amendment to Complaint, and Summons and Second Amendment to Complaint, respectively on the dates following: Jerry Dale Gordon and Wilma Jean Gordon (May 14, 1979, June 26, 1979, and July 3, 1980); Guaranty National Bank of Tulsa (May 14, 1979, June 26, 1979, and July 7, 1980); Mildred Whiten (May 21, 1979, June 26, 1979, and July 2, 1980);

Lawrence J. Babb (June 15, 1979, June 26, 1979, and July 2, 1980); State of Oklahoma, ex rel. Oklahoma Tax Commission (May 14, 1979, June 26, 1979, and July 3, 1980); State of Oklahoma, ex rel. Oklahoma Employment Security Commission (May 14, 1979, June 26, 1979, and July 3, 1980); Robert L. Orbach, d/b/a Orbach's (May 14, 1979, June 26, 1979, and July 3, 1980); Terco, Inc. d/b/a Bosco Services (May 15, 1979, June 27, 1979, and July 8, 1980); Central Process and Sales Company, Inc. (May 14, 1979, June 26, 1979, and July 2, 1980); Cecil J. Brooks and Gusetta J. Brooks (May 15, 1979, June 29, 1979, and July 3, 1980); R & B Equipment Company (July 11, 1979, June 25, 1979, and July 10, 1980); Group Hospital Service, d/b/a Blue Cross and Blue Shield of Oklahoma (May 14, 1979, June 26, 1979, and July 8, 1980); Hanna Lumber Company (May 14, 1979, June 26, 1979, and July 9, 1980); Frontier Federal Savings and Loan Association (May 15, 1979, June 26, 1979, and July 3, 1980); Roy L. Hatfield and Eunice M. Hatfield (May 12, 1979, June 26, 1979, and July 5, 1980); The Fourth National Bank of Tulsa (May 17, 1979, June 26, 1979, and July 2, 1980); Sadie Fogaley (May 14, 1979, June 27, 1979, and July 5, 1980); Joe Richard (May 14, 1979, June 26, 1979, and July 9, 1980); City Bank & Trust Company of Tulsa (May 16, 1979, July 2, 1979, and July 8, 1980); Mary Edith Babb (June 25, 1979, June 25, 1979, and July 2, 1980); County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma (May 11, 1979, June 25, 1979, and July 2, 1980).

The Court further finds that the Defendants Donna Faye Stotts, Robert L. Stotts, Mark Ridgeway, Eastway Investment

Corporation of Tulsa, James Dilley, a/k/a Jim Dilley, and J. P. Dilley were served by publishing notice of this action in a newspaper of general circulation in Tulsa County, Oklahoma, once a week for six (6) consecutive weeks beginning October 20, 1980, and continuing to November 24, 1980; and that this action is one in which service by publication is authorized by Title 12 O.S. Section 170.6(A) as counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of Defendants Donna Faye Stotts, Robert L. Stotts, Mark Ridgeway, Eastway Investment Corporation of Tulsa, James Dilley, a/k/a Jim Dilley, and J. P. Dilley, and service cannot be made upon said Defendants within the state by any other method, or upon said Defendants without the state by any other method.

The Defendants Mildred Whiten, Lawrence J. Babb, State of Oklahoma, ex rel. Oklahoma Tax Commission, State of Oklahoma, ex rel. Oklahoma Employment Security Commission, Central Process and Sales Company, Inc., Group Hospital Service, d/b/a Blue Cross and Blue Shield of Oklahoma, and Hanna Lumber Company, have duly filed their Answers and Cross-Claims herein. The Defendants Guaranty National Bank of Tulsa, Terco, Inc., d/b/a Bosco Services, Cecil J. Brooks, Gusetta J. Brooks, Frontier Federal Savings and Loan Association, the Fourth National Bank of Tulsa, R & B Equipment Company, Board of County Commissioners, Tulsa County, Oklahoma, County Treasurer, Tulsa County, Oklahoma, and City Bank and Trust Company of Tulsa, have disclaimed any interest in the real property which is the subject matter of this action. The Defendants Sadie Fogaley, Joe Richard, Roy L.

Hatfield, Eunice M. Hatfield, Robert L. Orbach, d/b/a Orbach's, Jerry Dale Gordon and Wilma Jean Gordon, have failed to answer or otherwise plead herein and their default was entered by the Clerk of this Court on June 23, 1981; the Defendants Donna Faye Stotts, Robert L. Stotts, Mark Ridgeway, Eastway Investment Corporation of Tulsa, James Dilley, a/k/a Jim Dilley, and J. P. Dilley, have failed to answer or otherwise plead herein and their default was entered by the Clerk of this Court on May 22, 1981.

The Court further finds that this is a suit based upon a promissory note and for foreclosure of a real estate mortgage upon the following-described real property located in Tulsa County, Oklahoma within the Northern Judicial District of Oklahoma:

Lot 8, Block 2, EAST 11TH PARK SUBDIVISION to the City of Tulsa, Tulsa County, Oklahoma, less the South 300 feet thereof according to the recorded Plat thereof.

That the Defendants Jerry Dale Gordon and Wilma Jean Gordon, did, on the 5th day of October, 1974, execute and deliver to the United States of America, acting through the Small Business Administration, their real estate mortgage and promissory note in the principal sum of \$20,000.00, payable in monthly installments, with interest thereon at the rate of five (5) percent per annum.

The Court further finds that the Defendants Jerry Dale Gordon and Wilma Jean Gordon made default under the terms of the aforesaid promissory note and real estate mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the above-named

Defendants are indebted to the Plaintiff in the principal amount of \$11,458.78, plus accrued interest of \$3,003.74, as of October 20, 1983, plus interest thereafter accruing at the rate of \$1.59 per day, plus the costs of this action accrued and accruing.

The Defendants Mildred Whiten and Lawrence J. Babb, claimed an interest in the real property described above by virtue of a Tulsa County Treasurer's Certificate Tax Deed. Such Deed has been declared void by the Court pursuant to its Order entered October 4, 1983, which Order is incorporated by reference herein. Such Deed now being cancelled, Mildred Whiten and Laurence J. Babb are entitled to the sum of \$2,597.25 which the United States deposited in the United States Treasury pursuant to Title 68 O.S. Section 24344.

That the Defendant State of Oklahoma, ex rel. Oklahoma Tax Commission has an interest in the above-described real property because of the following tax warrants which have been reduced to judgment: No. TW-75-109 entered March 13, 1975 in the amount of \$8,234.22, as per Tax Warrant No. 1118; No. TW-75-241 entered June 25, 1975, in the amount of \$4,049.30, as per Tax Warrant No. 1150; No. C-77-26 entered May 15, 1978, in the amount of \$9,763.24, as per Tax Warrant No. 1118; No. C-77-26 entered May 15, 1978, in the amount of \$4,049.30, as per Tax Warrant No. 1150. Said interest is inferior to the first mortgage lien of the Plaintiff.

The Defendant State of Oklahoma, ex rel. Oklahoma Employment Security Commission has an interest in the

above-described real property because of the following tax warrants which have been reduced to judgment: No. TW-75-46 entered January 16, 1975, in the amount of \$6,141.74; No. TW-75-169 entered April 16, 1975, in the amount of \$1,356.75, as per Tax Warrant No. 031249; No. TW-75-304 entered August 12, 1975, in the amount of \$376.50, as per Tax Warrant No. 031664; No. TW-76-97 entered February 26, 1976, in the amount of \$2,940.66, as per Tax Warrant No. 033153; No. TW-76-277 entered June 11, 1976, in the amount of \$252.57, as per Tax Warrant No. 034206; No. TW-76-514 entered October 1, 1976, in the amount of \$869.09 as per Tax Warrant No. 034999; No. TW-77-71 entered February 3, 1977, in the amount of \$170.78, as per Tax Warrant No. 035776; No. TW-76-532 entered October 15, 1978, in the amount of \$538.42, as per Tax Warrant No. 035503. Said interest is inferior to the first mortgage lien of Plaintiff.

The Defendant Central Process and Sales Company, Inc. has an interest in the above-described real property because of a judgment for \$1,608.84, plus interest, attorney's fees and costs, as entered in the District Court, Tulsa County, Oklahoma, in Case No. CSJ-75-2048, on March 4, 1976. Said interest is inferior to the first mortgage lien of Plaintiff.

The Defendant Group Hospital Service, d/b/a Blue Cross and Blue Shield of Oklahoma has an interest in the above-described real property because of a judgment for \$4,500.00, plus interest and costs, entered in the District Court, Tulsa County, Oklahoma, in Case No. C-75-1546, on

February 3, 1977. Said interest is inferior to the first mortgage lien of Plaintiff.

The Defendant Hanna Lumber Company has an interest in the above-described real property because of a judgment for \$1,926.48, plus interest, attorney's fees, and costs, entered in the District Court, Tulsa County, Oklahoma, in Case No. CSJ-76-3214 on April 8, 1977. Said interest is inferior to the first mortgage lien of Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants Jerry Dale Gordon and Wilma Jean Gordon in the principal sum of \$11,458.78, plus accrued interest of \$3,003.74, as of October 20, 1983, plus interest thereafter accruing at the rate of \$1.59 per day, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED upon the failure of the previously named Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property herein, and apply the proceeds thereof as follows:

1. In payment of the costs of this action, accrued and accruing, including the costs of sale;
2. In payment of the judgment rendered herein in favor of Plaintiff;
3. In payment of the Tax Warrant Judgment No. TW-75-46 entered in favor of the Oklahoma

Employment Security Commission;

4. In payment of the Tax Warrant Judgment No. TW-75-109 entered in favor of the Oklahoma Tax Commission;
5. In payment of the Tax Warrant Judgment No. TW-75-169 entered in favor of the Oklahoma Employment Security Commission;
6. In payment of the Tax Warrant Judgment No. TW-75-241 entered in favor of the Oklahoma Tax Commission;
7. In payment of the Tax Warrant Judgment No. TW-75-304 entered in favor of the Oklahoma Employment Security Commission;
8. In payment of the Tax Warrant Judgment No. TW-76-97 entered in favor of the Oklahoma Employment Security Commission;
9. In payment of the Tax Warrant Judgment No. TW-76-277 entered in favor of the Oklahoma Employment Security Commission;
10. In payment of the Tax Warrant Judgment No. TW-76-514 entered in favor of the Oklahoma Employment Security Commission;
11. In payment of the Tax Warrant Judgment No. TW-77-71 entered in favor of the Oklahoma Employment Security Commission;
12. In payment of the Tax Warrant Judgment No. C-77-26 entered in favor of the Oklahoma



Tax Commission;


13. In payment of the Tax Warrant Judgment No. C-77-26 entered in favor of the Oklahoma Tax Commission;
14. In payment of the Tax Warrant Judgment No. TW-76-532 entered in favor of the Oklahoma Employment Security Commission;
15. In payment of the judgment lien of Central Process and Sales Company, Inc.;
16. In payment of the judgment lien of Group Hospital Service, d/b/a Blue Cross and Blue Shield of Oklahoma;
17. In payment of the judgment lien of Hanna Lumber Company.

The surplus from said sale, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, the Defendants and all persons claiming under them since the filing of the Complaint herein, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

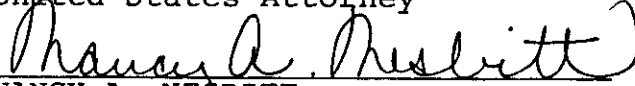
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk of Court shall disburse to Mildred Whiten and Lawrence J. Babb the

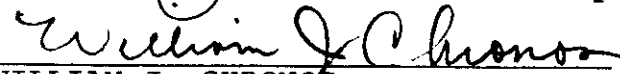
sum of \$2,597.25 deposited by the United States in the United States Treasury.


  
UNITED STATES DISTRICT JUDGE

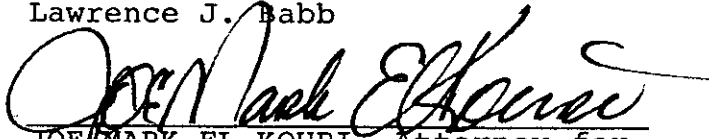
APPROVED AS TO FORM AND CONTENT:

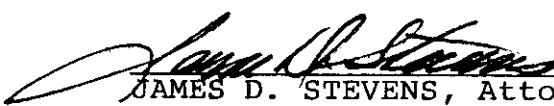
FRANK KEATING  
United States Attorney

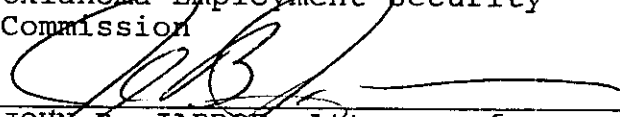
  
NANCY A. NESBITT  
Assistant United States Attorney

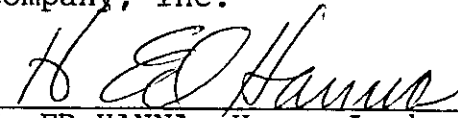
  
WILLIAM J. CHRONOS  
Attorney for Mildred Whiten and  
Lawrence J. Babb

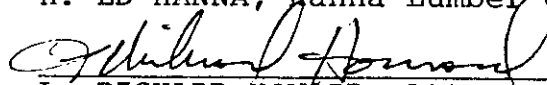
  
R. J. CHILDERS  
Attorney for Mildred Whiten and  
Lawrence J. Babb

  
JOE MARK EL KOURI, Attorney for  
State of Oklahoma, ex rel.  
Oklahoma Tax Commission

  
JAMES D. STEVENS, Attorney for  
State of Oklahoma, ex rel.  
Oklahoma Employment Security  
Commission

  
JOHN B. JARBOE, Attorney for  
Central Process and Sales  
Company, Inc.

  
H. ED HANNA, Hanna Lumber Company

  
L. RICHARD HOWARD, Attorney for  
Group Hospital Service, d/b/a  
Blue Cross and Blue Shield of  
Oklahoma

*Entered*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

SHELTER AMERICA CORPORATION )  
Plaintiff, )

vs. )

Case No. 83-C-909-B

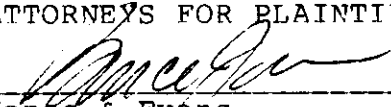
SUVILLA F. McINTOSH, a/k/a )  
SUVILLA F. JACKSON, )  
Defendant. )

STIPULATION FOR DISMISSAL

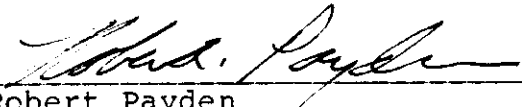
It is hereby stipulated by Plaintiff, Shelter America Corporation, and Defendant, Suvilla F. McIntosh, a/k/a Suvilla F. Jackson, pursuant to Rule 41(a)(1)(ii), Federal Rules of Civil Procedure, that the above-entitled action be dismissed without prejudice in accordance with a settlement agreement between both parties.

Dated: January 23, 1984.

ATTORNEYS FOR PLAINTIFF

  
\_\_\_\_\_  
Jones & Evans  
Bruce Jones  
Steve Rankin  
320 South Boston Bldg.  
Suite 1134  
Tulsa, Oklahoma 74103  
(918) 582-0187

ATTORNEY FOR DEFENDANT

  
\_\_\_\_\_  
Robert Payden  
Suite 240  
21 Centre Park Building  
2642 E. 21st Street  
Tulsa, Oklahoma 74114  
(918) 745-0607

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

JAN 30 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

JOSEPH CALVARIO and  
DONNA CALVARIO, husband  
and wife,

Plaintiff,

vs.

No. 83-C-798-E

PATRICIA TOMER,

Defendant.

ORDER OF DISMISSAL WITH PREJUDICE

WHEREAS, the plaintiffs, Joseph Calvario and Donna Calvario, husband and wife, have stipulated that all questions and issues existing between the plaintiffs and the defendant, Patricia Tomer, have been fully and completely disposed of by settlement, and have requested the entrance of an order of dismissal with prejudice.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this cause should be, and the same is hereby dismissed with prejudice as to defendant, Patricia Tomer, and the matter fully, finally and completely disposed of hereby.

ST. JAMES C. LEECH  
JUDGE OF THE UNITED STATES  
DISTRICT COURT

APPROVED AS TO FORM:

---

MICHAEL L. SEYMOUR  
Attorney for Plaintiffs  
1710 South Boston Avenue  
Tulsa, Oklahoma 74119  
(918) 585-2797

---

THOMAS L. PALMER  
Attorney for State Farm Insurance  
Company  
5136 East 21st Street  
Tulsa, Oklahoma 74114  
(918) 749-0020

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 30 1984

AGRICO CHEMICAL COMPANY,

Plaintiff,

vs.

FARMLAND INDUSTRIES, INC.,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

Case No. 83-C-741-C

ORDER OF DISMISSALS WITH PREJUDICE  
AND CONFIDENTIALITY OF SETTLEMENT

The Court is advised that the parties have reached a settlement of all claims in the above-styled and numbered cause and desire the terms of their settlement to remain confidential between them. Accordingly, IT IS HEREBY ORDERED that the terms of the settlement between the parties of this case shall be kept confidential and that the parties shall not disclose to any third parties the terms and conditions of the settlement and related agreements thereto except and to the extent as may be otherwise required by law and to the extent within each party-company that is reasonably necessary to carry out the terms of the settlement.

IT IS FURTHER ORDERED that the Complaint of the Plaintiff, Agrico Chemical Company, both First and Second Causes of Action, be and hereby is dismissed with prejudice and that the Counter-claim of the Defendant, Farmland Industries, Inc., is hereby dismissed with prejudice, with both parties to bear their own costs and attorney fees.

Finally, IT IS HEREBY ORDERED that the Protective Order entered concurrently herewith, by agreement of the parties, shall apply retroactively to all discovery made in the course of this lawsuit, shall survive the dismissal of this case and the Court shall retain jurisdiction over the parties for the purpose of ensuring compliance with said Protective Order, until further order of this Court.

151 H. Dale Cook  
JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:

HALL, ESTILL, HARDWICK, GABLE,  
COLLINGSWORTH & NELSON, INC.

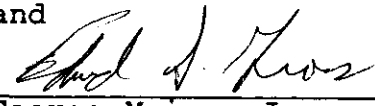
By: 

Kent L. Jones  
James E. Green, Jr.  
4100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172  
(918) 588-2700

ATTORNEYS FOR PLAINTIFF,  
AGRICO CHEMICAL COMPANY

Bert C. McElroy  
PRAY, WALKER, JACKMAN, WILLIAMSON  
& MARLAR  
2200 Fourth National Building  
Tulsa, Oklahoma 74119  
(918) 584-4136

and

  
George Maier, Jr.  
Edmund S. Gross  
WEEKS, THOMAS & LYSAUGHT, CHARTERED  
Home State Bank Building  
Minnesota Avenue at Fifth  
P. O. Box 1028  
Kansas City, Kansas 66117-0028

ATTORNEYS FOR DEFENDANT,  
FARMLAND INDUSTRIES, INC.

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ROBIN CHERNAK,

Plaintiff,

vs.

SOUTHWEST AIRLINES CO., and  
THE INTERNATIONAL ASSOCIATION  
OF MACHINISTS AND AEROSPACE  
WORKERS, AIRLINE DISTRICT  
146,

Defendants.

No. 83-C-391-E

JAN 30 1984 *fm*

*J. G. Silver*  
CLERK

O R D E R

NOW on this 30<sup>th</sup> day of January, 1984 comes on for initial status conference the above-styled case and the Court being fully advised in the premises finds:

The Court entered an Order dismissing the case as to Defendant Southwest Airlines Co. on the 2nd day of November, 1983 and the Court is now advised that Plaintiff asserts the same cause of action against Defendant, The International Association of Machinists and Aerospace Workers, Airline District 146. The Court therefore finds the action should be dismissed on the same grounds as to the remaining Defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case be and is hereby dismissed as to Defendant International Association of Machinists and Aerospace Workers, Airline District 146.

*James O. Ellison*  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**F I L E**

**JAN 30 1984**

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

GREEN COUNTRY CABLE SYSTEMS, )  
INC., an Oklahoma )  
corporation, )

Plaintiff, )

-vs- )

No. 83-C-61-E

FIVE STAR CABLESPORTS NETWORK, )  
INC., a Texas corporation, )

Defendant. )

STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW the Plaintiff, Green Country Cable Systems, Inc., and the Defendant, Five Star Cablesports Network, Inc., and each hereby dismisses its action against the other, with prejudice to the refiling thereof.

DATED this 28<sup>th</sup> day of January, 1984.

W. Creekmore Wallace II

W. CREEKMORE WALLACE, II  
Attorney for Plaintiff

Richard B. Noulles

RICHARD B. NOULLES  
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN DEERE AND COMPANY,  
et al.,

Defendants.

No. 82-C-268-E

**FILED**

JAN 30 1984

ORDER


Jack G. Silver, Clerk  
U.S. DISTRICT COURT

NOW on this 30<sup>th</sup> day of January, comes on for hearing Defendants' combined Motion to Dismiss and the Court, being fully advised in the premises finds the same should be granted.

The Court first notes this is a case involving PCB contamination of land as clarified by the government in the hearings on the motion held on October 15, 1982. At that time, Plaintiff submitted the case of U.S.A. v. Outboard Marine Corporation, 549 F.Supp. 1036 (N.D. Ill. E.D. 1982) for the Court's consideration which the Court finds to be inapplicable based upon statements of Plaintiff's counsel that this is a land contamination case. For the same reason, the Court finds the Refuse Act to be inapplicable and the claims arising from it must fall.

The Court further finds the federal common law claims of Plaintiff must be dismissed as they are preempted by CERCLA. (42 U.S.C. § 9601 et seq.) See U.S. v. Price, 523 F.Supp 1055 (N.J. 1981).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that  
Defendants' Motion to Dismiss be and is hereby granted.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

THE COMPASS GROUP, INC.  
and DRS, LTD.

Plaintiff,

v.

No. 82-C-212-E

B.B. GRAHAM AND ASSOCIATES,  
MAURICE E. GRAHAM, MeMe G.  
GRAHAM, BARRY GRAHAM,  
CALVIN J. GRAHAM, RICHARD H.  
URICH, BRENDA URICH, LEVOID G.  
GOFF, T-EMCO ENERGIES, INC.,  
TITAN PIPELINE OF OKLAHOMA,  
INCORPORATED, JOHN DOE  
(WHETHER ONE OR MORE) and Y  
PARTNERSHIP (WHETHER ONE OR  
MORE) (THE CORRECT NAMES OF  
THE LAST THREE DEFENDANTS ARE  
PRESENTLY UNKNOWN TO THE  
PLAINTIFFS AND WILL BE SUP-  
PLIED BY AMENDMENT); and  
OTHER CONTROLLING PERSONS OF  
B.B. GRAHAM AND AFFILIATES,  
T-EMCO ENERGIES, INC.,  
FORMERLY KEYSTONE ENERGIES,  
INC. and TITAL PIPELINE OF  
OKLAHOMA, INC. and OTHER  
PERSONS WHO PARTICIPATED  
WITH OR AIDED AND ABETTED THE  
ABOVE NAMED DEFENDANTS IN THE  
ACTS AND OMISSIONS COMPLAINED  
HEREIN,

Defendants.

**FILED**

JAN 30 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITHOUT PREJUDICE

For good cause shown, and upon agreement of Counsel, this action is hereby dismissed without prejudice to the filing of additional proceedings, against all defendants, except the following named defendants upon whom judgment has heretofore been granted in this action:

B. B. Graham and Associates;  
Maurice E. Graham;  
Barry Graham;  
Calvin J. Graham; and  
T-Emco Energies, Inc.

Dated this 30<sup>th</sup> day of January, 1984.

S/ JAMES O. ELLISON

James O. Ellison,  
United States District Judge,  
Northern District of Oklahoma

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

THREE "M" INVESTMENTS, INC., )

Plaintiff, )

vs. )

UNITED STATES OF AMERICA, )

Defendant. )

No. 82-C-60-E

JAN 30 1984

W. G. Silver

O R D E R

NOW on this 30<sup>th</sup> day of January, 1984 comes on for hearing Defendant's Motion to Dismiss or in the Alternative for Summary Judgment and the Court, being fully advised in the premises finds the same should be granted.

Nickerson v. United States, 513 F.2d 31 (1975) clearly establishes that this Court lacks jurisdiction where a tax levy has been released. This action was brought January 25, 1982 two months after the release of lien was filed by the government. Nickerson, supra, interpreted 26 U.S.C. § 7426(a) and (b) to deny jurisdiction where there is no "existing" levy. This Court adopts that view, finding that the waiver of sovereign immunity found within the above-cited statute is intended to be narrowly construed. See McMahon v. United States, 342 U.S. 25, 725 S.Ct. 17, 96 L.Ed. 26 (1951).

Finding no jurisdiction in this Court, the Court need not address remaining legal issues.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's Motion to Dismiss be and is hereby granted.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

COFFEYVILLE PACKING CO., INC., )

Plaintiff, )

vs. )

No. 80-C-622-E

ARKWRIGHT-BOSTON INSURANCE CO., )

a/k/a ARKWRIGHT-BOSTON )

MANUFACTURER'S MUTUAL )

INSURANCE COMPANY, )

Defendant. )

JAN 30 1984


J. C. Silver, Clerk  
1377

JUDGMENT

This action came on for hearing before the Court, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the Plaintiff Coffeyville Packing Co., Inc. take nothing from the Defendant Arkwright-Boston Insurance Co. a/k/a Arkwright-Boston Manufacturer's Mutual Insurance Company, that the action be dismissed on the merits, and that the Defendant Arkwright-Boston Insurance Co. a/k/a Arkwright-Boston Manufacturer's Mutual Insurance Co. recover of the Plaintiff Coffeyville Packing Co., Inc. their costs of action.

DATED at Tulsa, Oklahoma this 30<sup>th</sup> day of January, 1984.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

COFFEYVILLE PACKING CO., INC., )

Plaintiff, )

vs. )

No. 80-C-622-E

ARKWRIGHT-BOSTON INSURANCE CO., )

a/k/a ARKWRIGHT BOSTON )

MANUFACTURER'S MUTUAL INSURANCE )

COMPANY, )

Defendant. )

**FILED**

JAN 30 1984

W. B. Silver, Clerk  
U.S. DISTRICT COURT

O R D E R

This case was submitted to the Court upon cross motions for summary judgment and stipulations of fact. Upon review of the entire record, the arguments and authorities of the parties, and being advised in the premises, the Court finds that the motion of the Defendant Arkwright-Boston Insurance Co. for summary judgment must be granted.

The Defendant Arkwright-Boston sold to Plaintiff a fire, property damage and business interruption policy, policy number 640668, through the Defendant's agent in Tulsa, Oklahoma. Policy number 640668 was cancelled on or about April 10, 1980. This policy provided insurance coverage for both Coffeyville Packing Co. and H & R Meat Co. and was the final renewal policy in a line of policies dating back to May 1 of 1971. After the cancellation of the last policy, policy number 640668, the Defendant mailed to the Plaintiff a "credit memo" showing a balance due to plaintiff



of \$26,319.75. The Defendant subsequently sent to Plaintiff a check in the amount of \$13,168.69 leaving a balance of \$13,151.06. The Defendant insurance company refused to remit the above balance to the Plaintiff due to the non-payments of premiums in the amount of \$13,151.06 under the joint policy issued to plaintiff and H & R Meat Co.

In support of its motion for summary judgment the Defendant insurance company argues that the insurance contract itself, when considered in conjunction with the course of practice of the parties and applicable judicial precedent, indicates that the Plaintiff was solely responsible to the Defendant for payment of the premiums due under the subject insurance policy. This Court must agree. A review of the terms of the insurance policy convinces this Court that the terms in regard to liability for insurance premiums are ambiguous. Where a contract does not clearly set forth the agreement of the parties the admission of parole evidence is proper. See Pollock Stores Co. v. Draper, 202 Okla. 546, 215 P.2d 843 (1950). A court in construing an ambiguous or uncertain insurance policy may consider evidence of the circumstances under which it was made and the subject matter to which it relates. See U.S. Fidelity and Guaranty Co. v. The Town of Commanche, 246 P. 238 (1926). Since the meaning of this particular contract is doubtful this Court must look to the conduct and acts of the parties in furtherance of the contract for evidence of their intentions. See American Mutual Liability Insurance Co. v. Bollinger Corporation, 402 F.Supp. 1179 (W.D.

Pa. 1975).

Defendant's policy number 403226 was issued on May 1, 1971 and provided coverage for "Coffeyville Packing Co., H & R Meat Co., Blue Ribbon Meat, and Portion Pack, Inc., their subsidiaries and affiliates as now and hereafter constituted". On February 1, 1973 policy number 403226 was renewed for an additional three-year term by policy number 640117 which in turn was renewed by policy number 640409 on February 1, 1976. On August 18, 1978 Blue Ribbon Meat and Portion Pack, Inc. were deleted as named insureds with the notation that they had been incorporated in to H & R Meat Co. Finally on February 1, 1979 policy number 640409 was renewed for three years by policy number 640668. During this entire period all of the premiums on the policies were paid by checks drawn on Coffeyville Packing Co. with the exception of one check received from H & R Meat Co. in partial payment of an invoice dated August 27, 1979.

The credit memo invoice submitted to the Plaintiff showed a tentative balance due of \$26,319.75 subject to any "outstanding balances". The insurance policy specifically provided that the entire net unearned premium due upon cancellation of the policy was to be returned to the Plaintiff, Coffeyville Packing. No distinction between premiums owed by or to the Plaintiff and its affiliated company H & R Meat was ever made by the Defendant.

The insurance policy sets forth premium payments for each insured property in its attachments, but does not refer to separate premiums owed by each corporation. All invoices were

directed to Coffeyville Packing Co. Any division of premiums owed as between the two corporations were made by them and after submission to the Plaintiff.

Plaintiff urges this Court to interpret the insurance contract so that it may recover the entire \$26,000 unearned premium due to cancellation of the policy. It would have the Court construe the policy such that H & R is required to pay its own premiums to the insurance company but is prohibited from receiving any unearned premiums upon cancellation of the policy, and that Coffeyville is entitled to the entire unearned premium even though it paid only its share of the premiums to the insurance company. Under any interpretation of this contract, Coffeyville would not be entitled to retain the entire unearned premium.

In view of the course of dealing between the parties as shown by the evidence submitted to this Court, it would be in contradiction to the implied terms of the contract to force the Defendant insurance company to proceed against an ailing corporation, when the responsibility for the division of the premiums between corporations was clearly that of Coffeyville.


In view of the considerations set forth above this Court finds that summary judgment must be granted in favor of the Defendant and against the Plaintiff pursuant to Rule 56 of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of the

Defendant Arkwright-Boston Insurance Co. for summary judgment be and the same is hereby granted.

IT IS FURTHER ORDERED that the motion for summary judgment of the Plaintiff Coffeyville Packing Co., Inc. be and the same is hereby denied.

ORDERED this 30<sup>th</sup> day of January, 1984.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Entered  
FILED

JAN 27 1984

ROCK C. SILVER, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADRIAN A. BART, SR.,

Defendant.

CIVIL ACTION NO. 83-C-1005-B

AGREED JUDGMENT

This matter comes on for consideration this 26th day of January, 1984, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Nancy A. Nesbitt, Assistant United States Attorney, and the Defendant, Adrian A. Bart, Sr., appearing pro se.

The Court, being fully advised and having examined the file herein, finds that Defendant, Adrian A. Bart, Sr., acknowledged receipt of Summons and Complaint on December 30, 1983. The Defendant has not filed his Answer but in lieu thereof has agreed that he is indebted to the Plaintiff in the amount of \$690.00, plus the accrued interest of \$46.15 as of November 30, 1983, plus interest at 11.98 percent per annum from November 30, 1983, until the date of Judgment, plus interest at the legal rate from the date of this Judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover Judgment against the Defendant, Adrian A. Bart, Sr., for the principal sum of \$690.00, plus the accrued interest of \$46.15 as of November 30, 1983, plus interest

at 11.98 percent per annum from November 30, 1983, until the date of this Judgment, plus interest at the legal rate from the date of this Judgment until paid.

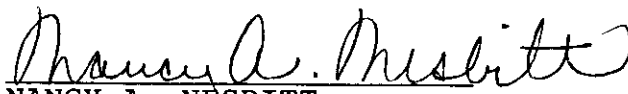
S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS  
United States Attorney

  
NANCY A. NESBITT  
Assistant U.S. Attorney

  
ADRIAN A. BART, SR.

I agree that I am indebted for the sum mention above. However, an agreement for the method of payment is not mention above. An agreement was met by both parties in writing to the method of payment. As to this date I have been unable to communicate to the U.S. Army. I am willing at any time to begin these ~~agreed~~ agreed payments.

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FORD MOTOR CREDIT COMPANY, )  
a foreign corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
NATIONAL INDEMNITY COMPANY, )  
a foreign corporation, and )  
LLOYDS UNDERWRITERS AT )  
LONDON, a foreign corporation, )  
 )  
Defendants. )

No. 83-C-993-E

FILED  
JUN 27 1984  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

*Notice of* DISMISSAL WITHOUT PREJUDICE

COMES NOW the Plaintiff, FORD MOTOR CREDIT COMPANY, a foreign corporation, and pursuant to Rule 41(a)(1), Federal Rules of Civil Procedure, hereby dismisses this action against the Defendant, National Indemnity Company, a foreign corporation, and that Defendant only, without prejudice to the filing of another action.



THOMAS G. MARSH  
ROBERT J. WESTBROOK  
Marsh & Armstrong  
525 South Main, Suite 210  
Tulsa, OK 74103  
918/587-0141

Attorneys for Plaintiff  
FORD MOTOR CREDIT COMPANY

FMCC v LLOYDS  
Dismissal WO

CERTIFICATE OF MAILING

This is to certify that on this 27<sup>th</sup> day of January, 1984, a true and correct copy of the within and foregoing DISMISSAL WITHOUT PREJUDICE was mailed, with proper postage thereon prepaid, to the following:

Donald K. Switzer, Esq.  
LOGAN, LOWRY, JOHNSON,  
SWITZER, WEST & WYATT  
P.O. Box 558  
Vinita, OK 74301

Attorney for Defendant  
LLOYDS UNDERWRITERS AT LONDON

Max Levine, Claims Examiner  
NATIONAL INDEMNITY COMPANY  
4016 Farnam Street  
Omaha, NB 68131

  
ROBERT J. WESTBROOK



*Entered*

FILED

JAN 27 1984

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JIMMIE SHARON CRAWFORD and )  
LOUISE S. TAYLOR, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
MARTIN MARIETTA CORPORATION, )  
 )  
Defendant. )

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

NO. 83-C-389-B cons.  
83-C-390-B

J U D G M E N T

In accordance with the order of January 26, 1984, granting summary judgment for defendant Martin Marietta Corporation, judgment is hereby entered in favor of defendant Martin Marietta Corporation and against plaintiffs Jimmie Sharon Crawford and Louise S. Taylor, with costs assessed against plaintiffs.

ENTERED this 27<sup>th</sup> day of January, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

FILED

JAN 27 1984 *rm*

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

MOHAWK OIL & GAS CORPORATION, )  
an Oklahoma corporation, )  
d/b/a M Oil & Gas Corporation, )

Plaintiff, )

vs. )

No. 82-C-629-C ✓

HARRY ALLEN KOPPEL, )  
Individually, MRS. RUDOLPH )  
(GRETA) KOPPEL, Personal )  
Representative of the Estate )  
of Rudolph Koppel, Deceased, )  
and JACK ROSS, Trustee and )  
Individually, )

Defendants. )

O R D E R


On December 15, 1983, all parties herein were ordered by the Court to submit simultaneous briefs and supporting affidavits to the Court within 15 days on the issue of whether the acts of defendant Jack Ross as Trustee for the other defendants provide a basis for personal jurisdiction over this action.

Defendants responded on January 5, 1983. Plaintiff has failed to respond or to request an extension of time. Therefore, the Court must presume that plaintiff concedes this issue to the defendants.

Therefore defendants' Motion to Dismiss this action for lack

of personal jurisdiction should be and hereby is sustained, and this action is hereby dismissed in all respects.

It is so Ordered this 26<sup>th</sup> day of January, 1984.

  
H. DALE COOK  
Chief Judge, U. S. District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 2 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

LEON LENZY,

Plaintiff,

vs.

SIGGI GRIMM MOTORS, INC.,

Defendant.

Case No. 81-C-635

ORDER

Came on to be heard the Motion of Leon Lenzy to dismiss his cause of action against the defendant, Siggie Grimm Motors, Inc., and that the Court being of the opinion that such should be granted; it is, therefore,

ORDERED, ADJUDGED AND DECREED that the cause of action of plaintiff asserted against defendant be and it is hereby dismissed with prejudice.

SIGNED this 26<sup>th</sup> day of January, 1984.

S/ JAMES O. ELLISON

Judge Presiding

FILED  
JAN 26, 1984  
Jack C. Silver, Clerk

**Defendants.**

ATTORNEY FOR SOUTHWESTERN BELL  
TELEPHONE COMPANY

CERTIFICATE OF MAILING

I hereby certify that on this 25th day of January, 1984, a true and correct copy of the above and foregoing was mailed, postage prepaid, to:

Richard D. Wagner  
233 West 11th Street  
Tulsa, Oklahoma 74119

John R. Richards  
RICHARDS, PAUL & WOOD  
Attorneys at Law  
9 E. Fourth Street, Suite 400  
Tulsa, Oklahoma 74103

Alfred K. Morlan  
JONES, GIVENS, GOTCHER,  
DOYLE & BOGAN, INC.  
201 W. Fifth, Suite 400  
Tulsa, Oklahoma 74103

James E. Poe  
Suite 740, Grantson Building  
Tulsa, Oklahoma 74103

John Barker  
Fourth National Building  
Tulsa, Oklahoma 74119

Donna Mithun

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 26 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

SHIRLEY LEROY,

Plaintiff,

v.

MCDONNELL DOUGLAS CORPORATION  
a MARYLAND CORPORATION

Defendant.

Civil Action No.  
82-C-965-E

JUDGMENT

This matter having come before the Court for nonjury trial, and the Court having heard the evidence and considered the argument of counsel, and this matter being ready for decision, the Court finds that judgment should be entered in favor of Defendant and against Plaintiff.

WHEREFORE, it is ordered that Judgment be entered in favor of Defendant and against Plaintiff, that Plaintiff take nothing, that this action be dismissed on the merits, and that Defendant recover of Plaintiff its costs of this action.

IT IS SO ORDERED this 26 day of January  
1984.

S/ JAMES O. ELLISON

JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOE ANDREW LYONS, JR.,

Defendant.

CIVIL ACTION NO. 83-C-873-C ✓

JAN 26 1984

W. C. Silver, Clerk  
U.S. DISTRICT COURT

DEFAULT JUDGMENT

This matter comes on for consideration this 25<sup>th</sup> day of January, 1984, the Plaintiff appearing by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Joe Andrew Lyons, Jr., appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Joe Andrew Lyons, Jr., was served with Summons and Complaint on November 30, 1983. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Joe Andrew Lyons, Jr., for the principal sum of \$686.80, plus costs and interest at the current legal rate of 9.87 percent from the date of judgment until paid.

  
UNITED STATES DISTRICT JUDGE



**FILED**

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**JAN 25 1984**

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

TRACY CONWAY,

Plaintiff,

vs.

Case No. 81-C-850-E

PUBLIC SERVICE COMPANY OF  
OKLAHOMA, an Oklahoma corporation;  
and SOUTHWESTERN BELL TELEPHONE  
COMPANY, a Missouri corporation,

Defendants.

ORDER

THIS MATTER comes on for review of the Stipulation for Dismissal filed herein by the parties. After carefully examining the Stipulation and the record herein, the Court finds that the cause should be dismissed with prejudice as to the filing of any future lawsuit, the issues having been settled and compromised.

IT IS SO ORDERED this 24 day of Jan, 1984.

S/ JAMES O. ELLISON

JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

Entered

JAN 25 1984  
JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CITY INSURANCE COMPANY,  
Plaintiff,

vs.

SOUTHWEST PETROLEUM AND  
PRODUCTS, INC., and NGL  
SUPPLY, INC.,

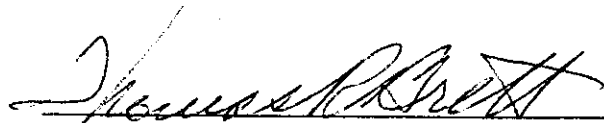
Defendants.

Case No. 83-C-510-B


ORDER OF DISMISSAL WITH PREJUDICE

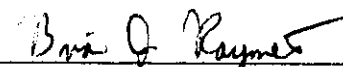
NOW, on this 25<sup>th</sup> day of January, 1984,  
the joint application for dismissal with prejudice of the  
plaintiff, City Insurance Company, and defendants, Southwest  
Petroleum and Products, Inc., and NGL Supply, Inc., comes on  
for hearing. Upon reviewing the file and pleadings, the  
court finds that the parties have entered into a compromise  
settlement whereby plaintiff has paid unto Southwest Petroleum  
and Products, Inc., and NGL Supply, Inc., the sum of \$55,000.00  
in settlement of all claims said defendants have or may have  
against City Insurance Company arising from the incident of  
September 30, 1982, and/or October 1, 1982, and the court  
further finds that said settlement is just, fair, and reasonable  
under the circumstances and that the complaint, counterclaim,  
and all other claims defendants may have against City Insurance  
Company arising out of the incident of September 30, 1982,

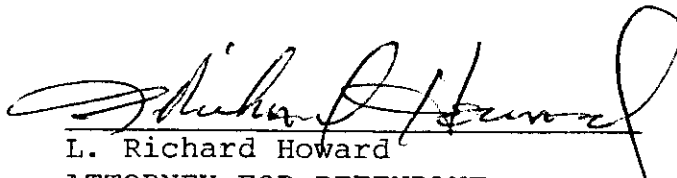
and/or October 1, 1982, shall be and are hereby dismissed  
with prejudice.

  
Thomas Brett  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

  
John B. Stuart  
ATTORNEY FOR PLAINTIFF

  
Brian J. Rayment  
ATTORNEY FOR DEFENDANT  
NGL Supply, Inc.

  
L. Richard Howard  
ATTORNEY FOR DEFENDANT  
Southwest Petroleum and  
Products, Inc.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 25 1984

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN W. RILEY,

Defendant.

DAK C. SILVER, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION NO. 83-C-318-E

NOTICE OF DISMISSAL

COMES NOW the United States of America by  
Layn R. Phillips, United States Attorney for the Northern  
District of Oklahoma, Plaintiff herein, through Nancy A. Nesbitt,  
Assistant United States Attorney, and hereby gives notice of its  
dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure,  
of this action with prejudice.

Dated this 25<sup>th</sup> day of January, 1984.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS  
United States Attorney

*Nancy A. Nesbitt*

NANCY A. NESBITT  
Assistant United States Attorney  
460 U.S. Courthouse  
Tulsa, Oklahoma 74103  
(918) 581-7463

CERTIFICATE OF SERVICE

This is to certify that on the 25<sup>th</sup> day of January,  
1984, a true and correct copy of the foregoing was mailed,  
postage prepaid thereon, to: Brian W. Riley, 1279 S. Memorial,  
Tulsa, Oklahoma 74112.

*Nancy A. Nesbitt*  
Assistant United States Attorney

**FILED**

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA **JAN 25 1984**

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

BILL D. TUCKER,

Defendant.

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

CIVIL ACTION NO. 83-C-74-E

AGREED JUDGMENT

This matter comes on for consideration this 24 day  
of Jan., 1983, the Plaintiff appearing by Layn R.  
Phillips, United States Attorney for the Northern District of  
Oklahoma, through Nancy A. Nesbitt, Assistant United States  
Attorney, and the Defendant, Bill D. Tucker, appearing pro se.

The Court, being fully advised and having examined the  
file herein, finds that the Defendant, Bill D. Tucker, was served  
with Summons and Complaint on January 26, 1983. The Defendant  
filed his Answer but has now agreed that he is indebted to the  
Plaintiff in the amount alleged in the Complaint and that  
judgment may accordingly be entered against him in the amount of  
\$359.80, plus costs and interest at the current legal rate of  
9.87 percent from the date of judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that  
the Plaintiff have and recover judgment against the Defendant,  
Bill D. Tucker, in the amount of \$359.80, plus costs and interest

at the current legal rate of 9.87 percent from the date of judgment until paid.

S/ JAMES C. GIBSON,


---

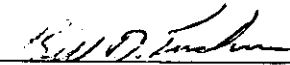
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS  
United States Attorney

  
NANCY A. NESBITT  
Assistant U.S. Attorney

  
BILL D. TUCKER

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

CLERK'S OFFICE

UNITED STATES COURT HOUSE

TULSA, OKLAHOMA 74103

JACK C. SILVER  
CLERK

(918) 581-7796  
(FIS) 736-7796

January 24, 1984

Mr. Stanley K. Lyles  
Conner Correctional Center  
P.O. Box 220  
Hominy, OK 74035

Mr. Robert Nance  
Assistant Attorney General  
112 State Capitol Bldg.  
Oklahoma City, OK 73105

RE: 83-C-1032-C; STANLEY K. LYLES v DAVE MOORE

Gentlemen:

Please be advised that on this date Judge H. Dale Cook entered the following Minute Order in the above referenced case:

"It is ordered that this cause of action be  
Dismissed without Prejudice."

Very truly yours,

JACK C. SILVER, CLERK

*Agm*  
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

PAM DUNSWORTH,

Plaintiff,

vs.

ZEBCO DIVISION OF THE  
BRUNSWICK CORPORATION,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 82-C-835-C

**FILED**

**JAN 24 1984**

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

ORDER OF DISMISSAL

NOW on this 24th day of January, 1984, the Court  
approves the parties' Joint Application for Dismissal; and  
hereby enters its order dismissing with prejudice Plaintiff's  
action herein, each party to bear its own costs and expenses.

W. H. Dale Cook  
~~JAMES O. ELLISON~~ *W. H. Dale Cook*  
District Judge

APPROVED AS TO FORM:

Ernest A. Bedford  
Ernest A. Bedford  
Attorney for Plaintiff

John F. McCormick, Jr.  
John F. McCormick, Jr.  
Attorney for Defendant



*Entered*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 24 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

JIM HENDRIX,

Plaintiff,

v.

NO. 82-C-568-BT


CERTIFIED LIFE INSURANCE  
COMPANY OF CALIFORNIA, a  
foreign insurance corpora-  
tion, and KEN RENTZ,

Defendants.

J U D G M E N T

In accordance with the Order entered this date sustaining the defendants' motion for summary judgment, judgment is hereby rendered in favor of defendants, Certified Life Insurance Company of California and Ken Rentz, and against plaintiff, Jim D. Hendrix, with costs assessed against plaintiff.

ENTERED this 24 day of January, 1984.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

*Entered*

LARRY D. KETCHER, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MARGARET M. HECKLER, )  
Secretary of Health and )  
Human Services of the )  
United States of America, )  
 )  
Defendant. )

JAN 23 1984

No. 83-C-812-B

JUDGMENT

In accordance with the Court's Order entered January 16, 1984, judgment is hereby entered affirming the decision of defendant in denying plaintiff Larry D. Ketcher disability benefits or supplemental security income under the provisions of 42 U.S.C. §405(g).

ENTERED this 28<sup>th</sup> day of January, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 23 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

WILLIAM EDGAR BENSLEY,

Plaintiff,

vs.

TIM WEST, WARDEN, et al.,

Defendants.

No. 83-C-485-E

O R D E R

NOW on this 23<sup>rd</sup> day of January, 1984 comes on for hearing Defendants' Motion to Dismiss and the Court, being fully advised in the premises finds the same should be granted.

Plaintiff, an inmate at Conners Correctional Center, filed his civil rights complaint under 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, 2202 alleging that his constitutional rights were violated in his being denied visitation of his wife and son. He applied to West (Warden) for visiting privileges on three separate occasions and was denied on each occasion. He alleges that there was no cause for such denial.

Under Prison Regulation CCC-070302-01 which states: "If an inmate requests that a relative be placed on his visiting list that has been convicted of a felony, the relative must have been off of controlled supervision, i.e. probation, parole or imprisonment, for a minimum of one (1) year", Mrs. Bensley was denied visitation because she had been convicted on November 16, 1982 for illegal possession of controlled substance and received a two (2) year suspended sentence.

appeals to be allowed visits with his wife. (January 12, 1983; February 15, 1983; March 25, 1983) To show that he was discriminated against he submitted two letters sent to an inmate named Peebles by Department of Corrections; one stating that in spite of the rule against no felon spouses allowed to visit Peebles' wife would be allowed one visit; the other letter, dated May 17, 1983, said that Peebles' wife would be allowed to visit unless warden provided written objections for good cause why she should not be permitted.

These letters do not show that Bensley's treatment was any different. There is no showing of the treatment Peebles received in this matter prior to April nor is there any allegation that Bensley made a request for a visit after March 25. Had he made an appeal at the same time that Peebles did (April and May) there is no showing that he would have received different treatment.

Bensley is seeking relief under 42 U.S.C. § 1983, which requires that the Plaintiff be deprived of a constitutionally protected right. Baker v. McCollan, 99 S.Ct. 2689 (1979). The rights of prisoners to visit their spouses is not a constitutionally secured right; therefore Bensley has no cause of action under § 1983. See Fennell v. Carlson, 466 F.Supp. 56 (W.D. Okla. 1978).

Petitioner also alleges jurisdiction under 28 U.S.C. 2201, 2202 which provide declaratory judgment and relief in cases of actual controversy where the legal relations of an interested party is in question. The prerequisite for jurisdiction under this statute is that the controversy be of a constitutional

one of internal security -- keeping convicted felons out as visitors, for a period of one year after controlled supervision. Security considerations are the peculiar expertise of correction officers; absent substantial evidence that they have overreacted to the need for security, the Court will defer to the corrections officials expertise.

Federal courts will defer to prison administration officials in the management of prisons unless the deprivations to prisoners amount to constitutional abuses. This deference covers the treatment of prisoners so long as conduct of the prison officials is not of such a character as to shock the general conscience or to be intolerable to fundamental fairness.

The action taken by the officials in this case was pursuant to CCC Op. Memorandum 070302-01 Procedure #5 that a relative who is a convicted felon must be off supervision one year before being allowed to visit. It appears that any action taken by the Defendants would have been supported by this procedural provision. The conduct of these officials would not be likely to shock the general conscience nor be intolerable to basic fairness. Limitation of visits by currently convicted felons is a reasonable safeguard for prison security and therefore the Court should defer to the prison officials. Under the circumstances Bensley's right to visit with his wife, a felon, must give way to overriding prison interests.

The second issue is whether the enforcement of the rule against spousal visitation was discriminately applied to Bensley.

Bensley alleges that on three occasions he was denied

By letter of June 8, 1983, the Director of DOC ordered that Prison Regulation CCC-070302-01 be revised to reflect departmental policy that "family members who are current or former offenders may be placed on an offender's list unless the facility head provides written objection for good and sufficient cause" and further ordered that either Mrs. Bensley be allowed to visit or that the warden provide reason for denying the visitation. Mrs. Bensley was added to Plaintiff's approved visitor's list on June 16, 1983.

This case was file-stamped one day later, June 17, 1983. Thereafter Defendant filed a motion to dismiss for failure to allege a deprivation of a federally protected right (42 U.S.C. § 1983).


Two issues need to be dealt with in this case. The first is whether the denial of visitation rights for prisoner's wife is a violation of his constitutional rights. The second is whether the denial in this instance was discriminatory and arbitrary.

Denial of visitation rights may be required to insure that security and other institutional considerations are safeguarded. While the Supreme Court in Price v. Johnston, 334 U.S. 266, 285 (1948) noted that the underlying considerations of the penal system necessarily warrant the withdrawal of many privileges and rights, the prisoner retains those first amendment rights "that are not inconsistent with his status as a prisoner" or with the legitimate objectives of the prison system. See also Pell v. Procunier, 417 U.S. 817, 822 (1974).

The prison objective sought to be furthered in this case is

sense. Public Service Comm. of Utah v. Wycoff Co., 344 U.S. 237, 73 S.Ct. 236 (1952). Bensley does not have a constitutional controversy; his constitutional rights have not been violated by his not being allowed to visit his wife.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendants' Motion to Dismiss be and is hereby granted.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

**FILED**

MARK S. SILVER, CLERK  
DISTRICT COURT

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

ORDER OF DISMISSAL WITH PREJUDICE

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED  
that the above-captioned matter is dismissed with prejudice.

Thomas R. Bell  
JUDGE OF THE UNITED STATES  
DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Entered

FILED

JAN 23 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

JAMES D. BUTCHER,

Plaintiff,

v.

MARGARET M. HECKLER,  
Secretary of Health and  
Human Services of the United  
States of America,

Defendant.

No. 83-C-826-BT

O R D E R

Before the Court for consideration is the motion to remand of the Defendant, Secretary of Health and Human Services. Plaintiff has filed his objection to remand and motion for default judgment. For the reasons set forth below, the Court finds the motion to remand should be sustained.

42 U.S.C. §405(g) provides in pertinent part as follows:

"The court shall, on motion of the Secretary made before he files his answer, remand the case to the Secretary for further action by the Secretary,..."

It appears the Secretary seeks remand in order to locate or reconstruct the file of plaintiff.

Plaintiff object to the remand on the grounds that further delay causes him "undue hardships and suffering." Plaintiff further claims defendant's failure to answer and to submit the administrative record to this Court for review is an "impermissible procedural default" under Fed.R.Civ.P. 55.

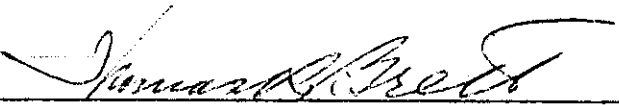
However, Fed.R. Civ.P. 55(e) provides:

"No judgment by default shall be entered against the United States or an officer or agency thereof unless the claimant establishes his claim or right to relief by evidence satisfactory to the court."

As there is no way to determine plaintiff's right to the relief he seeks from the Secretary without having the administrative record before the Court, plaintiff's motion for default judgment must be overruled.

IT IS THEREFORE ORDERED, good cause having been shown, defendant's motion for remand is sustained.

ENTERED this 23<sup>rd</sup> day of January, 1984.

A handwritten signature in cursive script, reading "Thomas R. Brett", is written over a horizontal line.

THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

**FILED**

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JAN 23 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

LETA VERNON,

Plaintiff,

vs.

MAKO, INC.,

Defendant.

No. 83-C-545-C ✓

O R D E R

On December 14, 1983, the Court granted permission to David M. Nichols to withdraw as attorney of record for plaintiff Leta Vernon. In the Order of December 14, 1983, plaintiff was ordered to obtain new counsel within 30 days or the case would be dismissed for failure to prosecute. A copy of the December 14, 1983 Order was mailed by the Clerk of this Court to plaintiff Leta Vernon, 1050 E. Ramon Rd, #69, Palm Springs, Ca. 92262. The Court has received no communication whatsoever from Ms. Vernon.

Therefore, pursuant to the Order of December 14, 1983, this action should be and hereby is dismissed without prejudice for failure to prosecute.

It is so Ordered this 23 day of January, 1984.

  
H. DALE COOK

Chief Judge, U. S. District Court

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 23 1984

RODNEY DAYLE McDANIEL,

Petitioner,

vs.

RON ANGELONE, et al.,

Respondents.

No. 83-C-223-E ✓

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

O R D E R

NOW on this 20<sup>th</sup> day of January, 1984 the Court has before it for consideration the Petition for Writ of Habeas Corpus filed by Petitioner in the above-styled case and the Court being fully advised in the premises finds the same should be denied.

Petitioner pled guilty to the charge of "Escape from Penal Institution." He was sentenced to two years in Oklahoma prison system. He did not appeal from judgment of conviction.

He files for writ of habeas corpus alleging that his plea was coerced by the unconstitutional conditions at the Tulsa County jail.

His application for post conviction relief was denied.

The applicable statute, 28 U.S.C. § 2254(d), states that:

In a proceeding instituted in Federal Court by an applicant for a writ of habeas corpus by a person in custody pursuant to judgment of a state court, a determination after a hearing on merits of factual issues made by Court of competent jurisdiction ... shall be presumed to be correct unless the applicant shall establish or it shall appear otherwise that:

- (1) The merits of the factual dispute were not resolved in the state court

hearing.

- (2) The fact-finding procedure used by state court was inadequate to afford a fair and full trial.
- (3) Material facts were not adequately developed at state court hearing.
- (4) State court lacked jurisdiction.
- (5) Applicant was indigent and not appointed counsel.
- (6) Applicant did not receive full and fair trial at state court.
- (7) Was otherwise denied due process.
- (8) Federal Court concludes that record in state court considered as a whole does not fairly support such factual determination.

The burden is on applicant to establish by convincing evidence that the factual determination by state court was erroneous.

Petitioner alleges three grounds for his petition:

- 1. His guilty plea was induced by unconstitutional prison conditions.
- 2. The prison system was unconstitutional so his confinement is illegal.
- 3. Petitioner did not intend to escape.

This Court need not address the constitutional conditions of the prison system as this is rendered moot by the dismissal of Battle v. Anderson, \_\_\_\_\_ F.Supp. \_\_\_\_\_ (1984), by the United States District Court for the Eastern District.

A guilty plea waives all non-jurisdictional defects in the proceedings against him. Clark v. Western Dist. of Okla., 399

F.Supp. 305, 307 (N.D. Okla. 1975).

"A plea of guilty entered by one fully aware of the direct consequences ... must stand unless induced by threats, misrepresentation or bribes." Shelton v. U.S., 246 F.2d 571 (5th Cir. 1957). In this case the Petitioner claimed that he pled guilty because the government promised to seek dismissal of an additional count and to recommend a light sentence. The Court however held that the trial record showed ample facts that would warrant a finding that the plea had been voluntarily made. Petitioner offered no evidence of any threats, misrepresentation or bribes and the transcript fully warrants a finding of voluntariness. The Supreme Court in Brady v. U.S., 397 U.S. 742 (1970) sets out the standard for voluntariness of a guilty plea for purposes of the Federal Constitution saying that such a plea is voluntary if made by "one fully aware of the direct consequences of that plea."

The transcript of McDaniels' plea of guilty goes against his contention that he was coerced. It states that he was advised of his rights and the effect of the guilty plea and he gave no special conditions or qualifications to his plea.

The findings of a state court must be presumed correct in federal habeas corpus where applicant had ample opportunity to present evidence in state proceedings. Unless additional relevant facts now exist a federal hearing is not ordinarily required. Bonner v. Wyrick, 563 F.2d 1293 (8th Cir. 1977).


The transcripts show that Petitioner stated that he voluntarily waived his right to a jury trial, that he was

satisfied with the representation he received, that he understood the charges against him and that he defined the word "voluntary" for the Court as "Doing of my own free will." The record conclusively shows that his guilty plea was entered voluntarily.

Under § 2254(d) the determination of the State Court in denying the Petitioner's bid for post-conviction relief must be followed unless Petitioner illustrates that one or more of the eight exceptions apply. Since Petitioner did not show that any of the eight exceptions apply, his Petition for Habeas Corpus relief should be denied.

There is also pending a motion of Respondent to dismiss Attorney General from this action which is rendered moot.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Petitioner's petition for writ of habeas corpus be and is hereby denied.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

FILED

MM 23 164

W. D. SILVER, CLERK  
DISTRICT COURT

Respondent.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

CIVIL ACTION NO. 83-C-166-B

Good cause being shown, it is hereby ordered that this action is dismissed and the Respondent is hereby discharged.

IT IS SO ORDERED this 21 day of January, 1984.

James R. Galt  
UNITED STATES DISTRICT JUDGE



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ROSCOE VERNER,

Plaintiff,

vs.

DAVE FAULKNER,  
S. M. FALLIS, JR.,

Defendants.

No. 80-C-474-C

**FILED**

JAN 23 1984

ORDER

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

It is the Order of this Court that the complaint of the plaintiff and any claims for monetary relief raised therein against defendant Faulkner are dismissed in all respects for failure of the plaintiff to pursue such claims pursuant to the previous Orders of this Court filed on November 28, 1983 and January 4, 1984.

Accordingly, it is the further Order of this Court that the present action should be and hereby is dismissed in all respects.

It is the further Order of the Court that the status conference set for February 13, 1984 is hereby stricken.

It is so Ordered this 23<sup>rd</sup> day of January, 1984.

  
H. DALE COOK

Chief Judge, U. S. District Court

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

*Entered*

JAMES EDWARD CLAYTON and )  
JUDY GUILFOYLE, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
FRANK THURMAN, Sheriff, )  
Tulsa County, et al. )  
 )  
Defendants. )

JAN 23 1984

U.S. DISTRICT COURT

No. 79-C-723-BT

ORDER

This matter came before the Court on a status conference scheduled January 5, 1984, to discuss damage claims of plaintiff Judy Guilfoyle. Notice of the status conference was mailed to the last known address of plaintiff. Plaintiff failed to appear at the January 5, 1984, conference or to otherwise respond to notice. The Court hereby dismisses this action by Judy Guilfoyle for failure to prosecute under F.R.Civ.P. 41(b).

ENTERED this 23<sup>rd</sup> day of January, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA


In effect, Petitioner claims his plea of guilty was involuntary because his attorney failed to discover what the government could prove against him.

A guilty plea waives all non-jurisdictional defects. Clark v. Western Dist. of Okla., 399 F.Supp. 305 (N.D. Okla. 1975).

There appears in the record nothing which would indicate Petitioner was not fully aware of the direct consequences of his plea of guilty or that he was induced by threats, misrepresentations or bribes. Shelton v. U.S., 246 F.2d 571 (5th Cir. 1957). Further, the transcript of the proceedings in which he pled guilty fully warrants a finding of voluntariness as set forth in Brady v. U.S., 397 U.S. 742 (1970). Further, there is nothing in the record to indicate counsel was less than reasonably competent. Dyer v. Crisp, 613 F.2d 275 (10th Cir. 1980).

The Court thoroughly examined Mr. Colbert as to the voluntary nature of his plea. He was fully advised of his rights and repeatedly stated his guilt and the foundation therefor. He was also specifically informed by the Court that he could face a potential sentence of up to forty (40) years incarceration or a fine of Four Thousand (\$4,000.00) Dollars or both. He agreed on the record that he had not been coerced or threatened and that no agreement had been made concerning what sentence he might receive.

Accordingly, Petitioner's motion is hereby denied.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 20 1984

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY C. COX, JR.,

Defendant.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION NO. 83-C-531-E

O R D E R

*of Dismissal*

Now on this 20<sup>th</sup> day of January, 1984, it appears that the Defendant in the captioned case has not been located within the Northern District of Oklahoma, and therefore attempts to serve him have been unsuccessful.

IT IS THEREFORE ORDERED that the Complaint against Defendant, Danny C. Cox, Jr., be and is dismissed without prejudice.

**S/** JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FRANK'S AIRCRAFT COMPANY, INC.,  
an Oklahoma Corporation,

Plaintiff,

vs.

JAMIE AGUIRRE,

Defendant.

No. 83-C-797-E

O R D E R

NOW on this 19th day of January, 1984 comes on for hearing Defendant Jaime Aguirre's Motion to Dismiss and the Court being fully advised in the premises finds the same should be granted.

The Court finds insufficient basis exists for this Court to assert personal jurisdiction over this Defendant. The affidavits propounded by Defendant clearly show no business was ever conducted in the state, the contract giving rise to the action was negotiated and executed in the State of Arizona, the phone calls and correspondence which were placed were not sufficient to justify a finding that Defendant was doing business in the state, and no affirmative acts were taken by Defendant in this state. Further the Court finds Defendant to be a "passive purchaser". Henderson vs. University Associates, 454 F.Supp. 493 (W.D. Okla. 1977); Yankee Metal Products Co. vs. District Court, 528 P.2d 311 (Okla. 1974).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that  
Defendant's Motion to Dismiss be and is hereby granted.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

FILED

JUN 20 1983 *leg*

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

FORD MOTOR CREDIT COMPANY,     )  
  )  
                          Plaintiff,     )  
  )  
v.                                     )  
  )  
JASON I. FOX and STEPHEN R.     )  
RYKOFF, individually and     )  
jointly,                             )  
  )  
                          Defendants.     )

No. 82-C-612-B ✓

CONSENT DECREE

Plaintiff having filed its Motion for Leave to Enter Deficiency Judgment as appears more fully by the said Motion and prayer for relief therein, and the plaintiff and defendant Stephen R. Rykoff having agreed upon a basis for the adjudgment of the matters alleged in the Motion in the entry of a judgment in this action, and having entered into a Stipulation, original of which is being filed with the court, and due deliberation being had thereon, now, on motion of counsel for the plaintiff, it is

ORDERED, ADJUDGED and DECREED that final judgment in favor of the plaintiff and against the defendant Stephen R. Rykoff is hereby granted and ordered entered as the judgment in this action as follows: One Million Two Hundred Twenty-four Thousand Sixty Dollars and Seventy-six Cents (\$1,224,060.76), plus interest at eighteen percent (18%) per annum from April 1, 1983, until paid; the further sum of Three Hundred Thirty-two Thousand Ninety-seven



Dollars (\$332,097.00) as attorney fees, and costs.

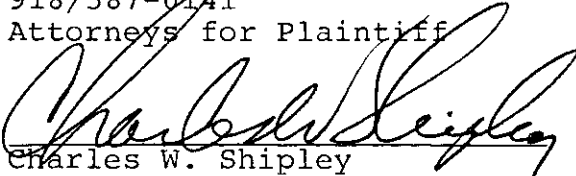
Dated June 20<sup>th</sup>, 1983.

  
United States District Judge

APPROVED AS TO FORM:



Thomas G. Marsh  
DYER, POWERS, MARSH & ARMSTRONG  
525 South Main, Suite 210  
Tulsa, Oklahoma 74103  
918/587-0141  
Attorneys for Plaintiff



Charles W. Shipley  
Suite 1770  
One Williams Center  
Tulsa, Oklahoma 74172  
918/582-1720  
Attorney for Defendant,  
Stephen R. Rykoff

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

JAN 19 1984

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEB TOM RILEY,

Defendant.

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

CIVIL ACTION NO. 83-C-1046-E

AGREED JUDGMENT

This matter comes on for consideration this 15 day  
of Jan, 1984, the Plaintiff appearing by Layn R.  
Phillips, United States Attorney for the Northern District of  
Oklahoma, through Peter Bernhardt, Assistant United States  
Attorney, and the Defendant, Jeb Tom Riley, appearing pro se.

The Court, being fully advised and having examined the  
file herein, finds that the Defendant, Jeb Tom Riley,  
acknowledged receipt of Summons and Complaint on December 29,  
1983. The Defendant has agreed that he is indebted to the  
Plaintiff and that judgment may accordingly be entered against  
him in the amount of \$500.00, plus costs and interest at the  
legal rate from the date of judgment until paid.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that  
the Plaintiff have and recover judgment against the Defendant,

Jeb Tom Riley, in the amount of \$500.00, plus costs and interest at the current legal rate of 10.10 percent per annum from the date of judgment until paid.

S/ JAMES O. ELLISON

---

UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

LAYN R. PHILLIPS  
United States Attorney



---

PETER BERNHARDT  
Assistant U.S. Attorney



---

JEB TOM RILEY

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CONNIE M. FOREMAN,

Defendant.

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**


No. 83-C-853-E

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Therefore it is not necessary that the action remain upon the calendar of the Court.

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this Order and to reopen the action upon cause shown within one (1) year that settlement has not been completed and further litigation is necessary.

IT IS FURTHER ORDERED that the Clerk forthwith serve copies of this judgment by United States mail upon the attorneys for the parties appearing in this action.

DATED this 18<sup>TH</sup> day of January, 1984.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

JAN 19 1984

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WALTER M. DIXON,

Defendant.

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

CIVIL ACTION No. 83-C-292-E

O R D E R

Upon the Motion of the United States on behalf of the Veteran Administration by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and upon good cause shown it is hereby ordered that this case be dismissed without prejudice and the pretrial conference set for February 2, 1984, be stricken.

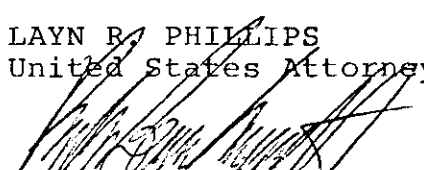
IT IS SO ORDERED THIS 18th day of January, 1984.

**S/ JAMES O. ELLISON**

JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

APPROVED:

LAYN R. PHILLIPS  
United States Attorney

  
PETER BERNHARDT  
Assistant United States Attorney

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 19 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

ELIZABETH SUSAN CURLEE,

Plaintiff,

vs.

SYNERGY GROUP, INC.,

Defendant.

No. 82-C-786-E

JUDGMENT

This action came on for jury trial before the Court, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly tried and a decision having been duly rendered by the jury,

IT IS ORDERED AND ADJUDGED that the Plaintiff Elizabeth Susan Curlee recover of the Defendant Synergy Group, Inc. the sum of \$9,263.00 with interest thereon at the statutory rate of 10.10% and her costs of action.

DATED at Tulsa, Oklahoma this 18<sup>TH</sup> day of January, 1984.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 19 1984

ELIZABETH SUSAN CURLEE,

Plaintiff,

vs.

SYNERGY GROUP INCORPORATED  
and SUN GAS LIQUIDS, INC.,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

No. 82-C-786-E

JUDGMENT

This action came on for hearing on motion for summary judgment of Defendant Sun Gas Liquids, Inc. before the Court, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the Plaintiff take nothing from the Defendant Sun Gas Liquids, Inc., that the action be dismissed on the merits, and that the Defendant Sun Gas Liquids, Inc. recover of the Plaintiff Elizabeth Susan Curlee its costs of action.

DATED at Tulsa, Oklahoma this 18<sup>TH</sup> day of January, 1984.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

1 Apr 1952

1 Apr 1952

)
)
)
)
)
)
)
)
)

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

No. 82-C-46-E

— — —

1

## JUDGMENT

This action came on for hearing before the Court, Honorable James O. Ellison, District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the Plaintiff Allstate Insurance Co. recover judgment in this action, that the insurance policy be declared to be without force and effect and that Plaintiff recover of Defendants its costs of action.

DATED at Tulsa, Oklahoma this 18<sup>TH</sup> day of January, 1984.

JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE



FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IAN 18 1984

MICHAEL JAY EVERETT,

Plaintiff,

vs.

WHIDDON MASONRY COMPANY,

Defendant.

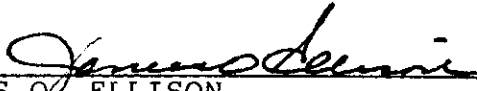
No. 83-C-825-E

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

O R D E R

There being no response to the Defendant's Motion to Dismiss and more than ten (10) days having passed since the filing of the Motion to Dismiss and no extension of time having been sought by Plaintiff the Court, pursuant to Local Rule 14(a), as amended effective March 1, 1981, concludes that Plaintiff has therefore waived any objection or opposition to the motion. See Woods Constr. Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

The Defendant's Motion to Dismiss is therefore sustained.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 18 1984

ACCOUNTABILITY BURNS,

Plaintiff,

vs.

CITY OF TULSA, OKLAHOMA,  
a municipal corporation,

Defendant.

No. 83-C-713-E ✓

W. C. Silver, Clerk  
U.S. District Court

O R D E R

The Court has before it the renewed motion of the Defendant to dismiss this complaint for failure to state a claim upon which relief can be granted pursuant to Rule 12(b) of the Rules of Civil Procedure.

This Court in its Order of October 21, 1983 granted Plaintiff's motion for additional time to clarify the complaint, and granted the Plaintiff thirty (30) days to file an amended complaint or to face dismissal of the cause of action. The original complaint of the Plaintiff was deemed inadequate to hold the named Defendant, the City of Tulsa, liable under 42 U.S.C. § 1983 for any alleged constitutional deprivations.

The Plaintiff subsequently filed an "Amended Complaint and Answer in Part to Defendant's Motion to Dismiss" on November 18, 1983, and an "Amended Petition" on December 2, 1983. Neither of Plaintiff's subsequent pleadings establish any connection between the City of Tulsa and any of the actions complained of, other than vague and conclusory allegations of a world-wide conspiracy.

In view of the Plaintiff's lack of representation this Court wished to grant him every opportunity to come forward with a clear and concise statement of the facts leading to his allegations. It is apparent, however, from the entire record in this case that Plaintiff is unable to state a cause of action, even under the most liberal reading of his pleadings. Plaintiff fails to meet any of the criteria of Monnell vs. Department of Social Services, 436 U.S. 658 (1978) for holding a municipal corporation liable for any alleged conduct of employees.

In consideration of the arguments and authorities submitted by Defendant in its motion to dismiss, and in view of the failure of the Plaintiff to amend the complaint to state a cause of action, the Court finds that this complaint must be dismissed pursuant to Rule 12(b)(6) of the Federal Rules.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of the Defendant to dismiss be and the same is hereby granted.

IT IS FURTHER ORDERED that this cause of action is dismissed. Parties to bear their own costs.

ORDERED this 17<sup>TH</sup> day of January, 1984.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 18 1984

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ROBERT E. COBLE,  
Plaintiff,

vs.

RICHARD S. SCHWEIKER,  
SECRETARY OF HEALTH,  
AND HUMAN SERVICES,

Defendant.

CIVIL ACTION NO. 82-C-954-E

O R D E R

The Court has for consideration the Findings and Recommendations of the Magistrate filed on December 28, 1983 in which it is recommended that the case be remanded to the Secretary for further proceedings. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the matters presented to it, the Court has concluded that the Findings and Recommendations of the Magistrate should be and hereby are affirmed.

It is hereby Ordered that the case is remanded to the Secretary for further proceedings consonant with the Findings and Recommendations of the Magistrate filed herein. The Secretary is ordered to complete Steps 3, 4 and 5 of the sequential evaluation, 20 CFR § 404.1520(d),(e) and (f) and make specific findings with respect thereto.

Dated this 17<sup>th</sup> day of January, 1984.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

*Entered*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 19 1984  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

SHELTER AMERICA CORPORATION,	)	
Plaintiff,	)	
	)	
	)	
vs.	)	Case No. 83-C-932-B
	)	
LEROY FRANKLIN LINAM and	)	
GRETТА LINAM,	)	
Defendants.	)	


DISMISSAL

Plaintiff, pursuant to Rule 41(a)(1), Federal Rules of  
Civil Procedure, hereby dismisses the above-entitled action  
without prejudice.

Dated: January 16, 1984.

JONES & EVANS

By

  
\_\_\_\_\_  
Bruce Jones  
Steve Rankin  
320 South Boston Building  
Suite 1134  
(918) 582-0187

ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

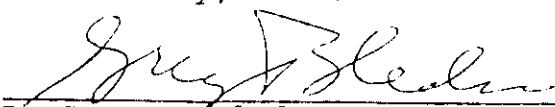
CAROLE COWAN, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
ORAL ROBERTS UNIVERSITY, an )  
Oklahoma corporation; DR. )  
DIANE MILLER, Ph.D.; and )  
DR. RICHARD GILMORE, M.D., )  
 )  
Defendants. )

JAN 16 1984  
JACK O. JAY, CLERK  
U.S. DISTRICT COURT  
No. 83-C-450-C

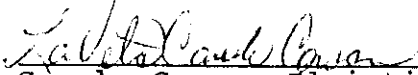
JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

The plaintiff, CAROLE COWAN, and the defendants, ORAL ROBERTS UNIVERSITY, DIANE MILLER, Ph.D., and RICHARD GILMORE, M.D., advise the Court of a settlement agreement between the parties and, pursuant to Federal Rule of Civil Procedure 41a, jointly stipulate that the plaintiff's action be dismissed with prejudice, the parties to bear their respective costs, including all attorney fees and expenses of this litigation.

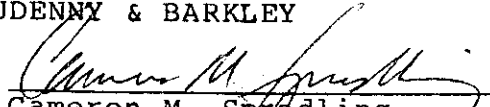
Dated this 10 day of January, 1984.

  
D. Gregory Bledsoe  
Attorney for Plaintiff  
1515 South Denver  
Tulsa, Oklahoma 74119  
(918) 599-8118

APPROVED:

  
Carole Cowan, Plaintiff

STUDENNY & BARKLEY

By   
Cameron M. Spradling  
Attorneys for Defendants  
Post Office Drawer 74152  
Tulsa, Oklahoma 74152  
(918) 747-3611

Entered

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

COMPRESSOR SYSTEMS, INC.,

Plaintiff,

vs.

NEW PETROLEUM CORPORATION,

Defendant.

No. 83-C-524-B

FILED  
JAN 10 1984  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

JOURNAL ENTRY

This cause came on to be heard this 16th day of January, 1984, pursuant to regular assignment for trial, the said Plaintiff being present by his attorney, Clifton D. Naifeh of Miller & Naifeh, and the said Defendant by his attorney, Allan Stocker of Bassett, Stocker & Boyce; and both parties announcing ready for trial and a jury being waived in open court, the court proceeded to hear the evidence and argument of counsel. And the court, being fully advised, on consideration finds that the Plaintiff has sustained the allegations of its complaint and is entitled to judgment accordingly.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the said Plaintiff have and recover of the said Defendant the sum of \$120,084.82, with interest thereon at ten percent (10%) per annum from the 16th day of January, 1984, the further sum of \$84,350.00 at ten percent (10%) per annum from the 1st day of December, 1982, or the return of the property described as one 11 inch and 6-1/4 inch by 3-1/2 inch ariel JG-2 Gas Compressor powered by a Waukesha F-1197 Natural Gas Engine; Air-X-Changer Model 54 EHC Cooler; Murphy Panel; Suction and Interstage Scrubber ASME Coded; mounted on a concrete filled skid; with serial numbers on the Unit Cylinder being C1857 and C4735, on Frame being F1986, on Engine being 360207 and on Cooler being 803472; and such is presently located on the Boston-Osage Field in Osage County, Oklahoma, plus freight, storage, transportation and other charges

incurred by such removal, shipping and return to Plaintiff's place of business, all in the sum of \$1,775.30, plus attorney's fees of \$5,769.25, and for the costs of this action taxed at \$71.00, for all of which let execution issue; to which finding and judgment the Defendant then and there duly excepted.

S/ THOMAS R. BRETT

---

Judge of the District Court

MILLER & NAIFEH

BY: 

CLIFTON D. NAIFEH  
470 Sooner Federal Building  
Norman, Oklahoma 73069  
(405) 329-8031

ATTORNEYS FOR PLAINTIFF

BASSETT, STOCKER & BOYCE

BY: 

ALLAN STOCKER  
P. O. Box 547  
Bartlesville, Oklahoma 74005  
(918) 336-0380

ATTORNEYS FOR DEFENDANT



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 16 1994

PUMPJACK II,  
A Limited Partnership,

Plaintiff,

vs.

PHOENIX ENERGY CORPORATION,  
JIM T. SPEARS, An Individual,  
WORDEN W. PARRISH, JR.  
An Individual, and JAMES C.  
RICHARD, An Individual.

Defendants.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

Case No. 83-C-655-E

*Notice of* DISMISSAL

COMES NOW the Plaintiff, Pumpjack II, and dismisses the  
Complaint filed in the above-styled and numbered cause with pre-  
judice as against the Defendant, James C. Richard.

SNEED, LANG, ADAMS,  
HAMILTON, DOWNIE & BARNETT

By

*Melinda J. Martin*

Melinda J. Martin  
Sixth Floor  
114 East Eighth Street  
Tulsa, Oklahoma 74119  
(918) 583-3145

Attorneys for Plaintiff

CERTIFICATE OF MAILING

I, Melinda J. Martin, do hereby certify that on the 16<sup>th</sup> day of November, 1983, I caused to be mailed a true and correct copy of the above and foregoing instrument, proper postage thereon prepaid, to:

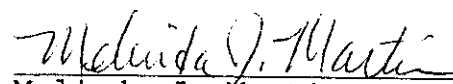
Grey W. Satterfield, Esq.  
Dennis S. Boxeur, Esq.  
Kornfeld Satterfield McMillin Harmon  
Phillips & Upp  
301 N.W. 63rd Street, Suite 600  
Oklahoma City, Oklahoma 73116

Attorneys for Jim T. Spears  
and Phoenix Energy Corporation

A. Daniel Woska, Esq.  
John M. Jameson, Esq.  
Bright & Nichols, Inc.  
2800 First Oklahoma Tower  
210 West Park Avenue  
Oklahoma City, Oklahoma 73102

Attorneys for James C. Richard

Lynwood R. Moore, Jr.  
2400 First National Tower  
Tulsa, Oklahoma 74103

  
\_\_\_\_\_  
Melinda J. Martin

Entered

FILED

JAN 16 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JOZEF DZURILLA, Administrator )  
of the Estate of TOMAS )  
DZURILLA, Deceased, as )  
Administrator, )

Plaintiff, )

v. )

No. 83-C-833-B

BOB GLANDON, et al., )  
Defendants. )

O R D E R

Now on this 13th day of January, 1984, pursuant to the agreement of the Plaintiff and the Defendants Nigh and the State of Oklahoma, it is hereby ordered that the Complaint filed in the instant case be dismissed as to the Defendants George Nigh and the State of Oklahoma.

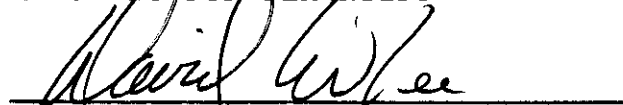
S/ THOMAS R. BRETT

JUDGE OF THE FEDERAL COURT

APPROVED:



DARRELL L. BOLTON  
ATTORNEY FOR PLAINTIFF



DAVID W. LEE  
ASSISTANT ATTORNEY GENERAL  
CHIEF, CRIMINAL/FEDERAL DIVISION  
ATTORNEY FOR DEFENDANTS NIGH AND  
THE STATE OF OKLAHOMA

# SECRET

)

1

)

)

)

11

)

)

11

)

)

)

)

The focus of the Court in exercising its discretion must be on the merits of the case. Attorney fee awards to Defendants are meant to discourage Plaintiffs from asserting claims which are clearly and wholly without merit at the time they are brought or from continuing to litigate claims after they clearly become so. This Court was unfortunately unable to reach the merits of this action and does not find that the claims of Plaintiffs herein were clearly frivolous, unreasonable or groundless when brought or that such claims were continued to be urged after they became so.

This Court also finds that in view of the overall circumstances of this case it declines to award attorney fees under the doctrine of Hall vs. Cole, 421 U.S. 1 (1973).

This Court also declines to exercise its discretion under Rule 37 of the Federal Rules of Civil Procedure to apply sanctions in regard to discovery problems.

IT IS THEREFORE ORDERED AND ADJUDGED that the application of the Defendant Cities Service Company for attorney's fees be and the same is hereby denied.

ORDERED this 16<sup>th</sup> day of January, 1984.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 16 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

VERA NELL CHILCOTE,

Plaintiff,

vs.

NO. 83-C-726-B

LEE JEAN SANDERS, Individually  
and in her official capacity  
as Mayor of the Board of  
Trustees for the Town of Jay,  
Oklahoma; BILL LOUX,  
individually and in his  
official capacity as a member  
of the Board of Trustees for  
the Town of Jay, Oklahoma;  
CLYDE HULSEY, individually and  
in his official capacity as  
member of the Board of Trustees  
for the Town of Jay, Oklahoma;  
CHARLES BECK, individually and  
in his official capacity as  
Chief of Police for the Town of  
Jay, Oklahoma, and the TOWN OF  
JAY, OKLAHOMA,

Defendants.

ORDER OF DISMISSAL

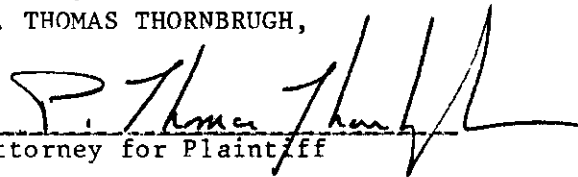
On this 13 day of January, 19 84, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims and have requested the Court to dismiss said cause with prejudice to any future action, and the Court being fully advised in the premises finds that said Complaint should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of Plaintiff filed herein against the Defendants be and the same hereby are dismissed with prejudice to any future action.

  
UNITED STATES DISTRICT JUDGE

APPROVALS

P. THOMAS THORNBRUGH,

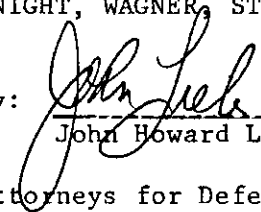
  
\_\_\_\_\_  
Attorney for Plaintiff

DONALD CHURCH

DENNIS BEAUCHAMP

LARRY OLIVER

KNIGHT, WAGNER, STUART, WILKERSON & LIEBER

By:   
\_\_\_\_\_  
John Howard Lieber  
Attorneys for Defendants

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 16 1984

RAYMOND HOYT GRACE, et al.,                     )  
   )  
                          Plaintiffs,                     )  
   )  
vs.   )  
   )  
   )  
JOHNS-MANVILLE SALES CORP.,                     )  
et al.,   )  
   )  
   )  
                          Defendants.                     )

No. 82-C-672-E

O R D E R

Upon review of the record, the Court finds that Mundet Cork Company is no longer in existence, and that its successor-in-interest, Crown Cork & Seal Company, is the proper defendant in this case.

The entity Mundet Cork Company was never served, and was not sued in its individual capacity.

IT IS THEREFORE ORDERED that the above styled and numbered complaint against Mundet Cork Company be, and the same is hereby dismissed.

ORDERED this 16<sup>th</sup> day of January, 1984.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Entered

FILED

PAUL REID, d/b/a TULSA  
TRUCK COLLISION,

Plaintiff,

v.

AETNA CASUALTY & SURETY  
COMPANY, a Connecticut  
corporation; SOUTHWEST GENERAL  
INSURANCE AGENCY, INC., an  
Oklahoma corporation; THE CITY  
OF SAPULPA, OKLAHOMA, a municipal  
corporation; and SAPULPA RURAL  
WATER CO.,

Defendants.

No. 82-C-492-BT

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

JAN 16 1984

JUDGMENT

In accordance with the Court's order dated January 13th 1984,  
which sustained the motions for summary judgment of defendants,  
the City of Sapulpa, Oklahoma, and Sapulpa Rural Water Co.,  
judgment is hereby entered in favor of defendants, The City of  
Sapulpa, Oklahoma, and Sapulpa Rural Water Co., and against  
plaintiff, Paul Reid, d/b/a Tulsa Truck Collision.

IT IS SO ORDERED this 13th day of January, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

*Entered*

FILED

JAN 16 1984

JOHN C. SILVER, CLERK  
U.S. DISTRICT COURT

DAVID CHURCH, VIRGIL STEPHEN  
BOSWELL and WILLIAM L. HAYES,

Plaintiffs,

vs.

NO. 83-C-483-B ✓

BILL LOUX, individually and in  
his official capacity as member  
of the Board of Trustees for the  
Town of Jay, Oklahoma; LEE JEAN  
SANDERS, individually and in her  
official capacity as member of the  
Board of Trustees for the Town of  
Jay, Oklahoma; CLYDE HULSEY,  
individually and in his official  
capacity as a member of the Board of  
Trustees for the Town of Jay,  
Oklahoma, and the TOWN OF JAY,  
OKLAHOMA,

Defendants.

ORDER OF DISMISSAL

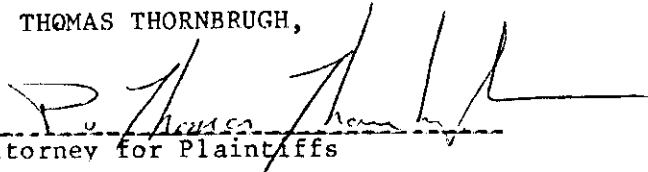
On this 19 day of January, 19 84, upon the  
written application of the parties for a Dismissal with Prejudice of the  
Complaint and all causes of action, the Court having examined said  
application, finds that said parties have entered into a compromise  
settlement covering all claims and have requested the Court to dismiss said  
cause with prejudice to any future action, and the Court having been fully  
advised in the premises finds that said Complaint should be dismissed  
pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that  
the Complaint and all causes of action of Plaintiff filed herein against  
the Defendants be and the same hereby are dismissed with prejudice to any  
future action.

  
UNITED STATES DISTRICT JUDGE

APPROVALS:

P. THOMAS THORNBRUGH,

  
\_\_\_\_\_  
Attorney for Plaintiffs

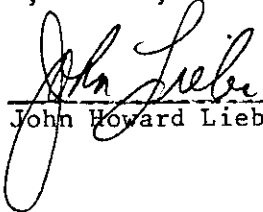
DONALD CHURCH

DENNIS BEAUCHAMP

LARRY OLIVER

KNIGHT, WAGNER, STUART, WILKERSON & LIEBER

By:

  
\_\_\_\_\_  
John Howard Lieber

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 16 1984

PEGGY S. LOONEY,

Plaintiff,

vs.

MARGARET M. HECKLER,  
Secretary of Health and  
Human Services of the  
United States of America,

Defendant.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION NO. 83-C-645-B

O R D E R

For good cause shown, pursuant to 42 U.S.C. §405(g),  
this cause is remanded for further administrative action.

Dated this 13 day of December, 1983.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 16 1964

RICKY OSCAR WILLIAMS,

Plaintiff,

vs.

TIM WEST and WALT DEBOE,

Defendants.

No. 83-C-337-E

O R D E R

The Court has before it, on its own motion, the complaint of Plaintiff for violation of his civil rights pursuant to Title 42 U.S.C. § 1983.

Complaint was filed, by leave of Court, in forma pauperis on May 11, 1983. On June 22, 1983 Defendant West filed a Motion to Dismiss for failure to state a claim upon which relief can be granted. On July 13, 1983 the Court, by minute order, granted the Plaintiff's motion for an extension of time of sixty (60) days to respond. No response has been filed to date.

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, and Rule 14(a) of the Rules of the United States District Court for the Northern District of Oklahoma, the Court finds that this case should be dismissed on the merits for failure of the plaintiff to prosecute, failure to comply with the rules of procedure, and confession of the matters asserted in Defendant's Motion to Dismiss.

IT IS THEREFORE ORDERED AND ADJUDGED that the complaint herein be, and the same is hereby, dismissed with prejudice.

Each party to bear their own costs.

ORDERED this 16<sup>th</sup> day of January, 1984.

  
\_\_\_\_\_  
JAMES P. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 16 1984

COMMERCIAL CREDIT EQUIPMENT  
CORPORATION,

Plaintiff,

vs.

EDWARDS EQUIPMENT COMPANY,  
an Oklahoma corporation,

Defendant.

No. 83-C-443-B

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

ORDER

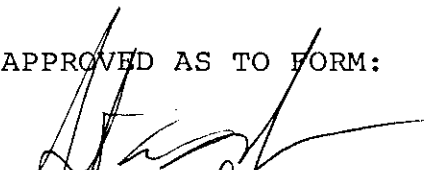
This matter comes on for hearing this 6th day of October, 1983, and the Court finds as follows:

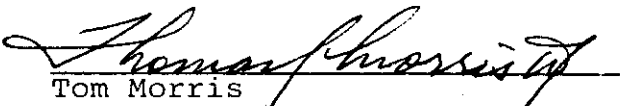
1. The parties by stipulation have agreed that the plaintiff, Commercial Credit Equipment Corporation, should be granted an attorney's fee of \$2,500.00.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, Commercial Credit Equipment Corporation, have and recover judgment against the defendant, Edwards Equipment Company, in the amount of \$2,500.00 for attorney's fees incurred by the plaintiff in the prosecution of this action.

  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

  
Steven M. Harris  
Attorney for Plaintiff

  
Tom Morris  
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 16 1984

MARK ALLEN MACKEY,

Plaintiff,

vs.

MISSOURI PACIFIC RAILROAD COMPANY,  
a foreign corporation,

Defendant.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

No. 83-C-334-B

ORDER OF DISMISSAL WITH PREJUDICE

Now on this 13<sup>th</sup> day of January, 1984, the above styled and numbered cause comes on for hearing upon the joint Stipulation for Dismissal with Prejudice filed herein by all parties hereto. The Court finds that all matters in controversy between the parties have now been settled and compromised, that said settlement and compromise should be approved by the Court, and that the above styled and numbered cause of action should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the settlement of the above styled and numbered cause of action be, and the same hereby is, approved and that said action be, and hereby is, dismissed with prejudice as to future filing.

  
UNITED STATES DISTRICT JUDGE

5





**FILED**

Jan 15 1994

1-800-858-8888  
www.8008588888.com

:

•

1

CIVIL ACTION NO. 83-C-872-C

## JUDGMENT

13 day

Examined the

DEED that the

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA  
and ROBERT J. GREENWOOD,  
Revenue Officer, Internal  
Revenue Service,

Petitioners,

vs.

JAMES K. ALEXANDER,

Respondent.

**FILED**

JAN 13, 1984 *rm*

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

CIVIL ACTION NO. 83-C-901-C ✓

ORDER DISCHARGING RESPONDENT AND DISMISSAL

ON THIS 12<sup>th</sup> day of January, 1984, Petitioners' Motion to Discharge Respondent and for Dismissal came for hearing. The Court finds that Respondent has now complied with the Internal Revenue Service Summons served upon him May 25, 1983, that further proceedings herein are unnecessary and that the Respondent, James K. Alexander, should be discharged and this action dismissed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Respondent, James K. Alexander, be and he is hereby discharged from any further proceedings herein and this cause of action and Complaint are hereby dismissed.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

BETA ENERGY CORP., et al.,

Petitioners,

v.

UNITED STATES DEPARTMENT OF  
ENERGY, et al.,

Respondents.

Misc. No. M-1016

**FILED**

JAN 13 1984

Jack G. Silver, Clerk  
U.S. DISTRICT COURT

ORDER

The Court having considered Petitioners' Motion to Dismiss this proceeding, and being of the opinion that the relief sought is appropriate, it is hereby

ORDERED that this proceeding hereby is DISMISSED without prejudice.

January 13, 1984  
Dated

(Signed) H. Dale Cook

H. Dale Cook  
United States District Judge

IN THE UNITED STATES DISTRICT COURT WITHIN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MASTER KRAFT TOOLING CORP.,  
an Oklahoma corporation,

Plaintiff,

vs.

OAKMAR INDUSTRIES, INC.,  
a Minnesota corporation,

Defendant.

No. 83 C 479 <sup>C</sup> ~~7~~

<sup>OF</sup>  
STIPULATION FOR DISMISSAL

COME NOW Plaintiff, Master Kraft Tooling Corporation, and Defendant, Oakmar Industries, Inc., and herein allege and state to the Court that Plaintiff and Defendant have reached a settlement agreement in the above styled case wherein the Defendant is to pay to Plaintiff the following sums:

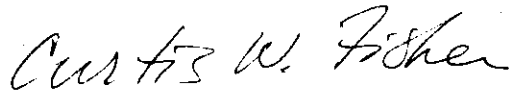
1. \$3,000.00 on the first day of December, 1983 (said sum having been paid December 6, 1983);
2. \$3,000.00 on the 1st day of January, 1984; and
3. \$3,250.00 on the 1st day of February, 1984.

Plaintiff and Defendant stipulate that when all payments are made, Plaintiff will dismiss the above styled case with prejudice.

Plaintiff and Defendant further request that this case be held in abeyance consistent with Plaintiff's Motion for Abeyance

filed earlier, pending the above payment schedule and completion of the settlement agreement.

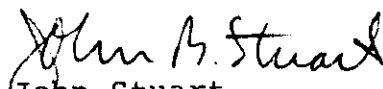
Respectfully submitted,



Curtis W. Fisher  
CHAPEL, WILKINSON, RIGGS,  
ABNEY AND HENSON  
502 West Sixth Street  
Tulsa, Oklahoma 74119  
(918) 587-3161



Greg Peterson  
MOSS & BARNETT  
1200 Pillsbury Center  
200 South Sixth Street  
Minneapolis, Minnesota 55402  
(612) 339-8551



John Stuart  
KNIGHT, WAGNER, et al.  
233 West 11th Street  
Tulsa, Oklahoma 74119  
(918) 587-6457

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

RIFFE PETROLEUM COMPANY,

Plaintiff,

vs.

ASCO, INC.; ARROWHEAD ASPHALT  
CO., INC.; JACK SHARPENSTEEN;  
DOROTHY SHARPENSTEEN; SCOTT  
SHARPENSTEEN,

Defendants.

No. 83-C-734-E

**FILED**

JAN 12 1984

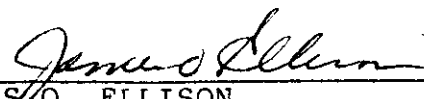
Edith G. Silver, Clerk  
U.S. DISTRICT COURT

O R D E R

There being no written response to the Plaintiff's motion for summary judgment, and upon counsels' statements, and more than ten (10) days having passed since the filing of the motion and no extension of time having been sought by Defendants the Court, pursuant to Local Rule 14(a), as amended effective March 1, 1981, concludes that Defendants have therefore waived any objection or opposition to the motion. See Woods Constr. Co. v. Atlas Chemical Indus., Inc., 337 F.2d 888, 890 (10th Cir. 1964).

The Plaintiff's motion is therefore granted and the case is dismissed.

DATED this 12<sup>th</sup> day of January, 1984.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

ju

FILED  
Jan. 12-1984  
Tuck C. Silver,  
Clerk

Defendant.

CIVIL ACTION NO. 83-C-958-E

## DEFAULT JUDGMENT

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Joe T. Buchanan, for the principal sum of \$566.67, plus costs and interest at the current legal rate of 10.10 percent from the date of judgment until paid.

UNITED STATES DISTRICT JUDGE





current legal rate of 10.10 percent from the date of judgment  
until paid.

s/H. DALE COOK

---

UNITED STATES DISTRICT JUDGE

FILED

JAN 12 1984 *me*

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

RAYMOND A. DeLANCY,

Petitioner,

vs.

JACK COWLEY,

Respondent.

No. 83-C-462-C ✓

O R D E R


Now before the Court for its consideration is the petitioner's request for reconsideration of the Order of the Court, filed on June 15, 1983, dismissing his petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254.

Due to a typographical error, a sentence near the end of the Order of June 15, 1983 erroneously stated that Case No. 82-C-1021-C had been litigated on the merits. Since that Order was filed, 82-C-1021-C has been fully considered and dismissed. The Court declines to reconsider its ruling as to Grounds 1-3. As to Grounds 4-12, the Order of June 15, 1983 clearly stated that even if the petitioner had exhausted his state remedies, that none of these grounds raises issues of constitutional dimensions.

Therefore, petitioner's motion for reconsideration of the

order of June 15, 1983 dismissing his petition for habeas corpus relief should be and hereby is denied.

It is so Ordered this 11<sup>th</sup> day of January, 1984.

  
H. DALE COOK  
Chief Judge, U. S. District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

EDWARD D. DeLOZIER,

Plaintiff,

vs.

SOUTHWESTERN BELL TELEPHONE  
COMPANY, a corporation,

Defendant.

No. 83-C-350-E

FILED

JAN 12 1984

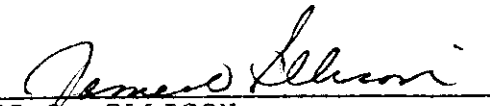
John G. Silver, Clerk  
U. S. DISTRICT COURT

O R D E R

NOW on this 12<sup>th</sup> day of January, 1984, comes on for hearing cross-motions for summary judgment filed in the above styled action and the Court being fully advised in the premises finds Defendant's motion shall be sustained and Plaintiff's motion shall be overruled.

The Court finds the issues raised have been dealt with in the cases of Chandler v. Perine Power Constructors, Inc., 520 F.Supp. 1152 (D.N.H. 1981) and Lonsdale v. Smelser, 553 F.Supp. 259 (N.D. Tex 1982). No new law or compelling argument has been presented by Plaintiff to justify finding contra to existing case law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant Southwestern Bell Telephone Company's motion for summary judgment be and is hereby sustained. For the same reasons Plaintiff Edward DeLozier's motion must be overruled.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JAN 1 1984  
JACK C. SWEET, Clerk  
U. S. DISTRICT COURT

ROBERT CHARLES HELBUSH,  
Plaintiff,

vs.

FORD MOTOR COMPANY, a  
foreign corporation,  
Defendant.

Case No. 81-C-876-E

ORDER OF DISMISSAL WITH PREJUDICE


The Plaintiff and Defendant having filed an application in this action reciting that they have entered into a full and final settlement agreement and having applied for the entry of an order of dismissal with prejudice, and the Court being otherwise fully advised, finds the aforementioned Application should be granted.


IT IS THEREFORE ORDERED that this action be and the same is hereby dismissed with prejudice to the filing or prosecution of a future action, each party to bear his or its own costs.

DATED this 12 day of January 1984.

S/ JAMES O. ELLISON  
JAMES O. ELLISON, United States  
District Judge

APPROVED:

  
JAMES E. FRASIER, Attorney  
for Plaintiff

  
CHARLES E. BAKER, Attorney  
for Defendant

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 11 1984

JACK L. COPPEDGE, CAROL A.  
COPPEDGE, and COMMERCIAL  
UNION INSURANCE COMPANY,

Plaintiffs,

vs.

FIELD CREST MILLS, INC., and  
J. C. PENNEY CO., INC.,

Defendants.

No. 82-C-1-E

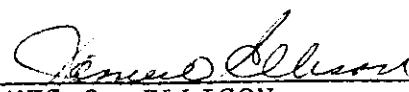
JUDGMENT DISMISSING ACTION  
BY REASON OF SETTLEMENT

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Therefore it is not necessary that the action remain upon the calendar of the Court.

IT IS ORDERED that the action is dismissed without prejudice. The Court retains complete jurisdiction to vacate this Order and to reopen the action upon cause shown within twenty (20) days that settlement has not been completed and further litigation is necessary.

IT IS FURTHER ORDERED that the Clerk forthwith serve copies of this judgment by United States mail upon the attorneys for the parties appearing in this action.

DATED this 10<sup>th</sup> day of January, 1984.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE



FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 11 1984

U.S. District Court  
Northern District of Oklahoma  
Tulsa, Oklahoma

BOBBY LESTER CULBREATH,

Plaintiff,

vs.

FRANK THURMAN, et al.,

Defendants.

No. 83-C-724-E

O R D E R

The Court has before it the motion of the Defendant Tulsa County Sheriff, Frank Thurman to dismiss this complaint for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Upon consideration of the arguments and authorities submitted to the Court and in light of the judgment of this Court sitting en banc in James E. Clayton, et al. vs. Frank Thurman, et al., Case number 79-C-723-B, this Court finds that the instant complaint for relief pursuant to 42 U.S.C. § 1983 should be dismissed.

The Plaintiff complains that his constitutional rights were violated because there is not a law library in the jail and because his requests for lawbooks were not honored on a timely basis. The test for adequacy of an institution's policies and practices affecting access to courts is whether prisoners are given a reasonably adequate opportunity to present claimed violations of fundamental constitutional rights to the courts.

Bounds vs. Smith, 430 U.S. 817, 825 (1977). Plaintiff has no per se constitutional right to law library access. O.S. Title 22 § 1271 provide for the appointment of a public defender.

Plaintiff has failed to allege any facts which would show any harm done by the alleged untimely access to the law library nor has he alleged any direct connection between the named Defendants herein and his alleged deprivations.

The Plaintiff complains that his constitutional rights have been violated because he has not been provided counsel for civil litigation. No constitutional right to counsel in a civil litigation exists. See Bethea vs. Crouse, 417 F.2d 504 (10th Cir. 1969).

Plaintiff also complains that his constitutional rights were violated because there is not an unlimited supply of paper, envelopes and stamps for inmates. Reasonable regulations are necessary however to balance the rights of prisoners with budgetary considerations. See Twyman vs. Crisp, 584 F.2d 352 (10th Cir. 1978). The right of access to the Courts does not include an unlimited right to free postage or an unlimited right to free materials.

Plaintiff complains that privileged mail is opened by mistake. Plaintiff fails to define what the privileged mail is, what piece of mail was opened or by whom it was opened. Mere negligence is not actionable under § 1983. Hayes vs. Jefferson

County, Kentucky, 668 F.2d 869 (6th Cir. 1982), rehearing denied 673 F.2d 152 (1982).

Additionally, Plaintiff has failed to allege that any of the named Defendants were directly involved in the opening of privileged mail or that a policy and practice of opening privileged mail is maintained. Liability under § 1983 may not be based upon respondeat superior. Wise vs. Bravo, 666 F.2d 1328 (10th Cir. 1981).

The Plaintiff complains that inmates are not provided basic hygiene articles. In support of his allegation he states that the Defendants failed to provide the following: socks, shoes, underwear, shaving cream, toothpaste, combs, toothbrushes, razors, towels and mattress covers. Plaintiff's allegations, if true, would not amount to violations of constitutional significance. They are not "of such character as to shock the general conscience or to be intolerable to fundamental fairness to the extent that the constitutional right to be free from cruel and unusual punishment was violated." Bennett vs. Passic, 545 F.2d 1260, 1263 (10th Cir. 1976).

The Plaintiff also complains that the inmates in the Tulsa County jail are not classified according to offense or vulnerability to physical attack. The proper classification of the prisoners is generally within the broad discretion of prison officials and federal courts are reluctant to intervene. See Marchesani vs. McCune, 531 F.2d 459, 461 (10th Cir. 1976), cert.


denied 429 U.S. 846.

In consideration of the above, this Court finds that the Plaintiff, Bobby Lester Culbreath, has failed to state a claim upon which relief may be granted, and that pursuant to Rule 12 b)(6) of the Federal Rules of Civil Procedure the instant complaint must be dismissed.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of Defendant Sheriff Frank Thurman to dismiss be and the same is hereby granted.

IT IS FURTHER ORDERED that this complaint is dismissed as to all named Defendants.

ORDERED this 10<sup>th</sup> day of January, 1984.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 11 1984

J. C. Silver, Clerk  
DISTRICT COURT

ROBERT E. COTNER,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 82-C-1132-E,
	)	82-C-1174-E and
MACK ALFORD, et al.,	)	83-C-775-E
	)	Consolidated
Respondents.	)	

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

On August 26, 1983 this Court ordered that a supplemental response be filed by Respondents herein in view of the lengthy and extensive application for post-conviction relief filed by Petitioner in the Tulsa County District Court, Tulsa County, Oklahoma. The supplement response is now before the Court, and in view of the arguments and authorities asserted therein and the entire record in these consolidated cases this Court finds that the Petition for Writ of Habeas Corpus must be dismissed.

Respondent initially asserts that the Petitioner has exhausted his state court remedies in regard to each and every issue raised in these consolidated cases. Upon review of the record, and the additional information provided by Respondent in its supplement response, this Court is satisfied that the Petitioner has exhausted his state court remedies.

- I. Insufficient evidence to prove guilt beyond a reasonable doubt. In view of the overwhelming evidence of guilt

presented during trial, such evidence to be viewed in light most favorable to the prosecution under Jackson vs. Virginia, 443 U.S. 307, 99 S.Ct. 2781 (1979), this Court finds that the essential elements of the crime of unlawful delivery of marijuana after former conviction of a felony could be found beyond a reasonable doubt by any rational trier of fact. See Jackson, supra 443 U.S. at 319.

II. Admission of evidence of other crimes. At trial the state introduced a tape recorded conversation between the Petitioner and an informant which took place approximately two weeks after the delivery of marijuana in question here. The Petitioner contends that the failure of the state to follow established state guidelines for the introduction of evidence of other crimes warrants the granting of habeas relief. The Tenth Circuit in Brinlee vs. Crisp, 608 F.2d 839 (1979) reiterated the principle that questions of state law are normally not cognizable in a federal habeas proceeding.

State court rulings on the admissibility of evidence may not be questioned in federal habeas proceedings unless they render the trial so fundamentally unfair as to constitute a denial of federal constitutional rights (citations omitted).

Even though the evidence of other crimes contained on the tapes was not introduced in strict compliance with state procedures it was ultimately admissible evidence

and its introduction was not so prejudicial as to render the trial fundamentally unfair under the standard enunciated in Brinlee.

III. Unconstitutional selection of trial jury. Title 22 O.S.

§ 634 provides:

A challenge to the panel must be taken before a jury is sworn, and must be in writing, specifying plainly and distinctly the facts constituting the ground of challenge.

Petitioner urges upon this Court the proposition that his trial jury was not selected from a complete list of voters as specified by law and therefore was unconstitutional. Petitioner has alleged no facts to support such allegations, and the record fails to reflect a challenge to the jury panel before it was sworn as is required by Oklahoma law. Petitioner has not shown the cause for such failure nor has he shown that any actual prejudice resulted according to the standards enunciated by the Supreme Court in Wainwright vs. Sykes, 443 U.S. 72, 97 S.Ct. 2497 (1977) and Engle vs. Isaac, 456 U.S. 107, 102 S.Ct. 1558 (1982). Failure to make a timely objection under the state statute bars federal habeas corpus review.

IV. The unconstitutionality of the statute under which Petitioner was convicted, 63 O.S. § 2-401. The Petitioner asserts that the Oklahoma Statute under which

he was convicted is unconstitutionally vague and arbitrary. Petitioner failed to raise this issue in the trial court or on direct appeal. Under the standards of Engle vs. Isaac, supra and Wainwright vs. Sykes, supra, this issue cannot now be raised in a federal habeas proceeding. Petitioner has failed to show cause why such issue was not raised at the trial level and should not be allowed to raise it here.

There is nothing in the constitution or in the language of § 2254 which requires that the state trial on the issue of guilt or innocence be devoted largely to the testimony of fact witnesses directed to the elements of the state crime, while only later will there occur in a federal habeas hearing a full airing of the federal constitutional claims which were not raised in the state proceedings. If a criminal defendant thinks that an action of the state trial court is about to deprive him of a federal constitutional right there is every reason for his following state procedure and making known his objection.

Wainwright vs. Sykes, 97 S.Ct. at 2508.

- V. The constitutionality of Oklahoma's habitual offender's statute. The Petitioner asserts that the statute providing for increased sentences for habitual offenders, Title 21 O.S. § 51 constitutes double jeopardy and violates his 8th Amendment right to be free from cruel and unusual punishment. Petitioner's argument is wholly without merit. Habitual offenders statutes have consistently survived constitutional



challenge, and do not constitute cruel and unusual punishment or double jeopardy. See Rummell vs. Estelle, 445 U.S. 263, 100 S.Ct. 1133 (1980); Ryder vs. Crouse, 357 F.2d 317 (10th Cir. 1966); Marsh vs. Page, 468 P.2d 800 (Okla. Cr. 1970). The sentence Petitioner is currently serving is within the limits prescribed by law.

VI. Ineffective assistance of counsel. A habeas petitioner has a strong burden of establishing ineffective assistance of counsel. In Gillihan vs. Rodriguez, 551 F.2d 1182, 1187 (10th Cir. 1977), cert. denied, 434 U.S. 845, 98 S.Ct. 148, the Court stated:

The burden on appellant to establish his claim of ineffective assistance of counsel is heavy. Neither hindsight nor success is the measure for determining adequacy of legal representation. In Dyer vs. Crisp, 613 F.2d 275 (10th Cir. 1980), cert. denied, 445 U.S. 945 (1980) the Court held the following:

The sixth amendment guaranty to effective assistance of counsel dictates that one accused of crime be afforded reasonably competent assistance of counsel.

The Court clearly stated the test of effective assistance of counsel in the Tenth Circuit to be:

The sixth amendment demands that defense counsel exercise the skill, judgment and diligence of a reasonably competent defense attorney.

A defendant in a criminal prosecution is not entitled to a perfect trial. In the absence of clear indications that counsel was inadequate, there is no violation of constitutional rights. Petitioner here merely alleges that "evidence is available to show defense counsel was having personal problems that kept him from properly representing defendant in the instant case." No such evidence is brought forward, and no evidence meeting the standard enunciated by the Tenth Circuit is found in this record.

VII. Allegations of trial errors and irregularities. The balance of the petition consists of numerous conclusory allegations of trial errors and irregularities none of which meet the standard of Pierce vs. Page, 362 F.2d 534 (10th Cir. 1966) and Brinlee vs. Crisp, supra in that none of them rendered the trial so "fundamentally unfair as to constitute a denial of federal constitutional rights."


In view of the foregoing, dismissal of the instant Petition for Writ of Habeas Corpus is proper.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of Respondents to dismiss the Petition for Writ of Habeas Corpus be and the same is hereby granted.

IT IS FURTHER ORDERED that this Petition be dismissed with

prejudice, all parties to bear their own costs.

ORDERED this 10<sup>th</sup> day of January, 1984.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA JAN 10 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

WILLIAM ROHRER, et. al.,  
Plaintiffs,

-vs-

C. A. "RUSTY" RHOADS and  
JOE E. BUCKNER,  
Defendants.

No. <sup>82</sup>~~83~~-C-855-E✓

JUDGMENT


NOW on this 10th day of January, 1984, pursuant to the Stipulation for Entry of Judgment entered into by Plaintiffs and Defendants herein and filed with this Court,

THE COURT FINDS that all parties to this action have stipulated and agreed that the Court may enter this order. The parties have further stipulated and agreed that the entry of this order shall not constitute a finding that the judgment or any part thereof arises out of any allegations of fraudulent representations by the Defendants to the Plaintiffs or any of them and the Court does not make such a finding; that they consent to the entry of this order and waive their right to appeal therefrom and that their stipulation shall be binding upon them, their successors and assigns.


IT IS ORDERED that Plaintiffs, William Rohrer, Jack L. Goldsmith, Jerome Golden, Harold Brown, Mrs. Martin Coleman, William Ettleson, Jack Stadler, Kenneth Weil, Robert E. Berman, Damon Arney, Milton Binswanger, Eddy Felsenthal, Sidney S. Friedman, Larry J. Goldsmith, Russell E. Haas, Mary G. Hohenberg, L. R. Jalenak, Jr., Sidney L.


Kahn, Hubert S. Menke, Jerry McBride, Peverly McBride, Rudi Scheidt, Thomas N. Stern, Richard Keough, Charbrown, Inc., and Melvin Goldsmith, recover from Defendants C. A. "Rusty" Rhoads and Joe E. Buckner, the sum of \$1,820,000, plus interest on that amount at the rate of fifteen (15) percent per annum from January 9, 1984, until the judgment is satisfied.

IT IS FURTHER ORDERED that the entry of this order and the execution of the Stipulation by the parties hereto shall not and does not constitute a finding that the judgment or any part thereof arises out of any allegations of fraudulent representations by the Defendants to the Plaintiffs or any of them.

  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

  
FRED S. NELSON  
Counsel of Record for Plaintiffs

  
B. HAYDEN CRAWFORD  
Counsel of Record for Defendant  
Joe E. Buckner

  
C. A. "RUSTY" RHOADS  
Pro Se

JAN 10 1984

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

C. Silver

A. G. BECKER, INC.,

Plaintiff,

v.

GEORGE F. CARNES and  
E. ALLEN COWAN,

Defendants.

Case No. 83-C-990-E

JOURNAL ENTRY OF DEFAULT AND JUDGMENT

NOW on this 10 day of January, 1984, the above-entitled cause came on for hearing pursuant to the plaintiff's Application for Default Judgment, and the Court, after having reviewed the file and being fully advised in the premises herein, finds that the defendants George F. Carnes and E. Allen Cowan, were properly served with process according to law, and that said defendants have failed to answer or otherwise plead herein within the time required by law and is in default.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said defendants are hereby in default, that the allegations of plaintiff's Complaint be taken as true and confessed as against them; and that plaintiff be, and is hereby awarded judgment against said defendants in the amount of \$82,380.33 together with interest thereon, attorney's fees, and costs of this action.

S/ JAMES O. ELLISON

DISTRICT JUDGE FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

**FILED**

JAN - 9 1964

**Jack C. Silver, Clerk**  
**U. S. DISTRICT COURT**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

PATRICIA L. FISHER,

Plaintiff,

vs.

TULSA COUNTY AREA VOCATIONAL )  
TECHNICAL SCHOOL DISTRICT NO.18,)

Defendant.

)  
)  
)  
)  
) No. 82-C-975-E  
)  
)  
)  
)  
)

ORDER

The Court having reviewed the Dismissal filed by the Plaintiff and being advised of the agreement between the parties, hereby finds that the above referenced action should be dismissed with prejudice.

IT IS SO ORDERED.

S/ JAMES O. ELLISON

James O. Ellison  
Judge of the District Court

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN -9 1984

DYCO PETROLEUM CORPORATION,

Plaintiff,

vs.

FAWNMARK MINERALS, LTD., et al.,

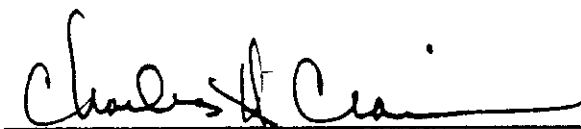
Defendants.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

C-82-858-C

NOTICE OF DISMISSAL OF DEFENDANT  
KAISER-FRANCIS OIL COMPANY

Pursuant to the terms of Federal Rule of Civil Procedure  
41(a)(1), Plaintiff Dyco Petroleum Corporation hereby dismisses  
the Defendant Kaiser-Francis Oil Company.



Lance Stockwell  
Paula E. Pyron  
Charles H. Crain  
Of Boesche, McDermott and Eskridge  
320 South Boston, Suite 1300  
Tulsa, Oklahoma 74103  
(918) 583-1777

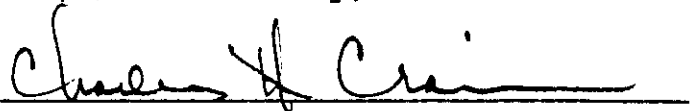
ATTORNEY FOR PLAINTIFF,  
DYCO PETROLEUM CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9<sup>th</sup> day of  
January, 1984, a true and correct copy of the above and foregoing  
Notice of Dismissal of Defendant Kaiser-Francis Oil



Company was mailed to the following persons by depositing the same in the United States mail in Tulsa, Oklahoma with first class postage fully prepaid thereon: Tom Newby, Attorney for L. O. Ward, P. O. Box 1108, Enid, Oklahoma 73702; Stephen P. Friot, Attorney for Defendant, DI Energy, Inc, Spradling, Alpern, Friot & Gum, 101 Park Avenue, Suite 700, Oklahoma City, Oklahoma 73102; George S. Corbyn, Jr., Attorney for Defendant Clark Ellison, Ryan, Holloman, Corbyn & Grister, Oil and Gas Building, Suite 304, 110 North Robinson, Oklahoma City, Oklahoma 73102; Ira L. Edwards, Jr., Jones, Francy, Doris, Sutton & Edwards, Inc., Attorneys for Defendants Robert G. Anderson, Elizabeth G. Anderson, Commonwealth Royalties and Joseph Mueller, 114 E. 8th, Suite 400, Tulsa, Oklahoma 74119; Wm. Lane Pennington, 700 Holarud Bldg., 10 East Third Street, Tulsa, Oklahoma 74103, Attorney for Defendant Champlin Petroleum Co.,; Andrew J. Haswell, Jr., Attorney for Defendant Kliwer Oil & Gas Co., Bradford, Haswell & Jones, 1000 Fidelity Plaza, Oklahoma City, Oklahoma 73102,; John Frederick Kempf, Jr., Attorney for Defendants James A. and Vivian S. Payne, Rowntree, & Kempf, 6440 Avondale Drive, Suite 201, Oklahoma City, Oklahoma 73116; Donna Lee Paddyaker, 552 N. Pennsylvania, Box 24103, Oklahoma City, Oklahoma 73124; Deyo Paddyaker, 552 N. Pennsylvania, Box 24103, Oklahoma City, Oklahoma 73124; Harry C. Marberry, Attorney for Defendant Frontier Energy Co., 2212 N. W. 50th, Suite 250, Oklahoma City, Oklahoma 73112; Gene Howard, Attorney for Defendant Pathfinder Energy, Inc., 2642 E. 21st Street, Suite 275, Tulsa, Oklahoma 74114; Bruce Daniel, Holliman, Langholz, Runnels & Gorwart, Attorney for Defendant Kaiser-Francis Oil Company, 10 E. 3rd St., Suite 700, Tulsa, Oklahoma 74103; Bill J. Jennings, 2633 E. 45th St., Tulsa, Oklahoma 74105; Henry Oil and Gas, Inc., 5915 N. W. 23rd St., Suite 212, Oklahoma City, Oklahoma, 73127; Bruce B. Scott c/o OK West Mineral Prop., Inc., 4801 Classen Blvd., Suite 206, Oklahoma City, Oklahoma 73118; Bill J. Sloan 1830 W. Main Street, Oklahoma City, Oklahoma 73106; John P. Spears c/o S-V., Inc., P. O. Box 82084, Oklahoma City, Oklahoma 73148; Garvin Sloan, 401 S. W. 103rd St., Oklahoma City, Oklahoma 73139; Gary L. Young, 1306 Sequoyah, Moore, Oklahoma 73160; William P. Birchall c/o The Penn Mutual Life Insurance Co., 3601 Classen Blvd., Suite 201A, Oklahoma City, Oklahoma 73118; Fawnmark Minerals, Ltd., P. O. Box 22056, Oklahoma City, Oklahoma 73123; Petro-Lease Research, Inc., 6409 N. MacArthur, Oklahoma City, Oklahoma 73132; Andy Helms, 3031 N. W. 64th St., Suite 150, P. O. Box 20500, Oklahoma City, Oklahoma 73156; and Bill Hodges Truck Co., Inc., c/o Core Petroleum, Ltd., P. O. Box 19247, Oklahoma City, Oklahoma 73144.



IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

JAN - 9 1984

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

SOUTHERN BLEACHER  
CONSTRUCTION COMPANY,

Plaintiff,

vs.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF TULSA,  
STATE OF OKLAHOMA; TULSA  
COUNTY FAIRGROUND TRUST  
AUTHORITY; TULSA COUNTY  
PUBLIC FACILITIES  
AUTHORITY,

Defendants,

and

SPORTS OF TULSA, INC.,

Defendant and  
Third-Party  
Plaintiff,

vs.

OKLAHOMANS FOR BASEBALL,  
INC.,

Third-Party  
Defendant.

No. 82-C-211-E

ORDER OF DISMISSAL

The parties having so stipulated, IT IS HEREBY ORDERED,  
ADJUDGED AND DECREED that this action be dismissed with

prejudice, with each party to bear its own costs incurred.

Given under my hand this 9 day of January, 1984.

S/ JAMES O. ELLISON

---

James O. Ellison  
United States District Judge  
for the Northern District  
of Oklahoma

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

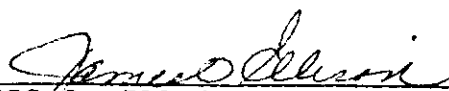
LOWRANCE ELECTRONICS, INC., )  
 )  
Plaintiff, )  
 )  
vs. ) No. 83-C-272-E  
 )  
TECHSONICS, INC., )  
 )  
Defendant. )

O R D E R

NOW on this 6<sup>TH</sup> day of January, 1984, comes on for hearing Defendant's motion to dismiss or transfer and the Court, being fully advised in the premises finds the same should be granted as to the motion to transfer.

The Court finds Plaintiff has failed to meet the venue requirements set forth under 28 U.S.C. § 1400(b) and that under the ruling of Gould v. Cornelius Co., 258 F.Supp. 701, 151 U.S.P.Q. 178 (N.D. Okla. 1966) venue properly lies in the Middle District of Alabama.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant's motion to dismiss or transfer be and is hereby granted in that this case is hereby ordered transferred to the Middle District of Alabama.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

44-9 135

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

MARY ANN BECK,  
Plaintiff,

vs.

No. 83-C-300-E

MASSUD PARVIZIAN and  
PARVIZIAN, INC., a  
foreign corporation,

Defendant.

### ORDER OF DISMISSAL

It appearing to the Court that all matters and controversy have been compromised by and between the parties, and based upon Stipulation,

IT IS HEREBY ORDERED AND ADJUDGED that the above entitled cause be, and the same is hereby dismissed, with prejudice, each party to bear its own costs.

DATED this 9<sup>th</sup> day of January, 1984.

JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 9 1984

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

ALLSTATE INSURANCE COMPANY,

Plaintiff,

vs.

TEDDY BARNES and JERI EVANS,

Defendants.

No. 82-C-46-E

O R D E R

NOW on this 6<sup>TH</sup> day of January, 1984, the Court has before it the issues as submitted by the parties and the Court, being fully advised in the premises finds the policy of insurance should be rescinded.


The Court finds Plaintiff Allstate has met the criteria for rescission set forth in 15 O.S. 1981 § 233 and supplemented in this case by 36 O.S. 1981 § 3609.

The Court finds the policy in question would not have been issued had Barnes truthfully revealed his driving record and that Plaintiff would not have accepted Barnes as a risk and would not have issued the policy.

The Court further finds the payments made to GMAC did not constitute a waiver of the company's right to deny liability coverage. The Court finds the argument in Leslie v. Sparks, Ok. 583 P.2d 1097 (1978) to be analogous and the reasoning therein to be controlling on this issue.

The Court further finds the testimony of Defendant's agent was more credible than that of Barnes.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be and is hereby granted to Plaintiff, Allstate Insurance Company, and the contract in question hereby rescinded.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

**FILED**

1001 9124

**Gold Silver**

No. 81-C-672-E

Defendants.

O R D E R

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiffs' motion to dismiss without prejudice be and is hereby granted. Plaintiffs are ordered to pay all reasonable expenses incurred by Defendants which arose after September 15, 1983. Defendants are hereby ordered to file with the Court a verified Bill of Costs from September 15, 1983 to date within twenty (20) days of this date.

JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE



JAN 6 1984  
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

JAN 6 1984

)
)
)
)
)
)
)
)
)

No. 83-C-9-E

)
)
)
)

O R D E R

The Court has before it the supplemental motion to dismiss filed by Defendants Tulsa County District Attorney, David Moss and Tulsa County Sheriff, Frank Thurman.

In an affidavit filed by the Plaintiff supplementing his civil rights complaint, the Plaintiff asserted:

1. That he did not receive medical attention when in the jail;
2. That being in jail hindered his financial opportunities;
3. That he was denied his right to privacy because his telephone calls were monitored;
4. That he was verbally harassed while in jail;
5. That he was not allowed to pay the filing fee for filing federal cases while in jail; and
6. That he was assaulted when arrested and when in Court.

The Defendants assert that the Plaintiff has failed to state a claim upon which relief can be granted in that the Plaintiff has shown no causal connection between the allegations of his complaint and affidavit and the Defendants Thurman and Moss.

Personal participation is an essential allegation in a § 1983 claim. See Bennett vs. Passic, 545 F.2d 1260 (10th Cir. 1976). Citing the Supreme Court in Rizzo vs. Goode, the Tenth Circuit stated:


The affirmative link requirement of Rizzo means to us that before a superior may be held for acts of an inferior, the superior expressly or otherwise must have participated or acquiesced in the constitutional deprivations of which complaint is made.

Kite vs. Kelly, 546 F.2d at 337 through 38 (10th Cir. 1976). Here the Plaintiff has failed to allege any direct participation or acquiescence in stated policy by either Defendants Moss or Thurman. This Court finds therefore that Plaintiff's cause of action against these two Defendants must be dismissed.

In view of the above it will not be necessary for the Court to consider the other assertions of Defendants in their motion.

IT IS THEREFORE ORDERED AND ADJUDGED that the supplemental motion to dismiss of Defendants Tulsa County District Attorney David Moss and Tulsa County Sheriff Frank Thurman be and the same is hereby granted.

ORDERED this 5<sup>th</sup> day of January, 1984.

  
\_\_\_\_\_  
JAMES D. ELLISON  
UNITED STATES DISTRICT JUDGE

**FILED**

IN THE UNITED STATES DISTRICT COURT JAN 6 1984  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W. C. Silver  
DISTRICT CLERK

ROBERT E. KING, an individual,

Plaintiff,

vs.

RYDER TRUCK RENTAL, INC.,

Defendant.

No. 83-C-585-C

NOTICE OF DISMISSAL

COMES NOW the Plaintiff, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure and hereby dismisses captioned matter with prejudice to further cause of action.

SNEED, LANG, ADAMS,  
HAMILTON, DOWNEE & BARNETT

By

James C. Lang  
Sixth Floor  
114 East Eighth Street  
Tulsa, Oklahoma 74119  
(918) 583-3145

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

JAN -6 1984

SHARON PENNINGTON,

Plaintiff,

vs.

AETNA LIFE & CASUALTY CO.,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

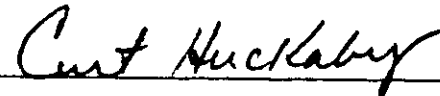
NO. 83-C-457-E

JACK A. LINDSEY, CLERK  
U.S. DISTRICT COURT

STIPULATION OF DISMISSAL

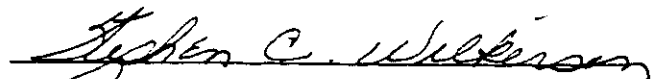
COME NOW the parties hereto and stipulate that this matter can be dismissed with prejudice since a compromising settlement has been reached among the parties.

CURTIS L. HUCKABY



Attorney for Plaintiff

STEPHEN C. WILKERSON



Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 6 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

GLEN ELVIN HAGER,  
Plaintiff,

VS.

DAVID MOSS, et al.,  
Defendants.

No. 83-C-9-E


O R D E R

The Court has before it the motion of Defendant Harry Stege to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief may be granted. In support of his motion the Defendant asserts that no allegations were made in the complaint or attached affidavit which connected Harry Stege individually or as the Chief of Police in any way with the alleged assaults on the Plaintiff. Liability under 42 U.S.C. § 1983 cannot be predicated upon the doctrine of respondeat superior. Superior officers may be found liable for their own conduct but may not be held liable without an established connection between the Defendant and the alleged action. See Henriksen vs. Bentley, 644 F.2d 852 (10th Cir. 1981).

In view of the foregoing, this Court finds that this cause of action must be dismissed as against Defendant Harry Stege.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of Defendant Stege to dismiss be and the same is hereby granted.

ORDERED this 5<sup>TH</sup> day of January, 1984.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 6 1984

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

RIFFE PETROLEUM COMPANY,  
an Illinois corporation,

Plaintiff,

vs.

No. 83-C-719-E

MERKLE CONSTRUCTION COMPANY,  
INC., an Oklahoma corporation,  
and GORE EDGIN, an individual,


Defendants.

O R D E R

NOW on this 5<sup>TH</sup> day of January, 1984 comes on for hearing Defendants' Motion to Dismiss and the Court, being fully advised in the premises finds the same should be denied.

The Court finds, however, that pursuant to 28 U.S.C. § 1391(a) venue is properly found to be in the Western District of the State as the judicial district where all Defendants reside. The Court notes the promissory note on which this action is brought prescribes no place of performance nor is there any indication of where any work was to have been performed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case be and it is hereby transferred to the Western District of Oklahoma.

  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

pn

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN -6 1984

CLARK RESOURCES CORPORATION,  
an Oklahoma corporation,

Plaintiff,

vs.

MID-CONTINENT SUPPLY,  
a Texas Corporation, and  
WHITAKER CORPORATION, a  
Texas corporation,

Defendants.

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

Case No. 83-C-584-C

ORDER GRANTING PLAINTIFF JUDGMENT BY DEFAULT

Now on this 5 day of January, 1984, this action appears before the undersigned Judge, the Plaintiff being present by and through its attorney fo record, William J. Wenzel of Sneed, Lang, Adams, Hamilton, Downie & Barnett and the Defendant, Whitaker Corporation, failing to appear, being in default. The Court having heard argument of counsel and after examining the Court file in its entirety, FINDS

1. Plaintiff's Complaint was filed herein on July 7, 1983.

2. Whitaker Corporation was duly served with Summons and a copy of the Complaint on July 29, 1983 by serving its registered service agent, Dale McMahon, as evidenced by the return of service filed herein.

3. Whitaker Corporation has failed to plead or answer this Complaint within the legally allowed time and the time within which it may answer has expired as a matter of law.



4. An Entry of Default was made by the Clerk of this United States District Court on January 3, 1984, based upon Whitaker's failure to timely file its answer. All the Plaintiff's allegations in its Complaint are now deemed true and confessed.

5. The Court has jurisdiction of the subject matter and parties to this action.


6. The Plaintiff has shown and Whitaker has not controverted facts that Whitaker Manufactured and Clark, in turn bought from Mid-Continent Supply Company ("Mid-Continent") twelve Whitaker pumping units which in turn prove to be defective breaching implied warranties as provided by the Uniform Commercial Code as adopted in Oklahoma, OKLA. STAT. tit. 12a, §1-101 et seq.

7. Furthermore, Whitaker's breach of warranty gives rise to Clark for rescission of the sale of the twelve units. The Court finds that such sale price was in sum total \$413,584.12.

8. The Plaintiff is entitled to judgment for the aforesaid sum.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, Clark Resources Corporation, have and recover judgment against the Defendant, Whitaker Corporation, individually, for breach of warranty and rescission for the sum of Four Hundred Thirteen Thousand Five Hundred Eighty Four and 12/100 Dollars (\$413,584.12), together with interest as allowed by law and whatever further relief this Court deems just and proper.

Sneed, Lang, Adams,  
Hamilton, Downie & Barnett  
Sixth Floor, 114 East Eighth  
Tulsa, Oklahoma 74119

  
H. Dale Cook, Judge  
United States District Court

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MINNEHOMA INSURANCE COMPANY, )  
an Arizona corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
RICHARD D. POAGE, )  
 )  
Defendant, )  
 )  
vs. )  
 )  
ADESCO, INC., an Oklahoma )  
corporation, and DON COMBS, )  
 )  
Third Party )  
Defendant. )

Case No. 82-C-1099-E

**FILED**

**JAN 6 1984**

**Jack C. Silver, Clerk  
U. S. DISTRICT COURT**

ORDER

Having considered the Stipulation For Dismissal filed in this matter by the parties, and being fully advised in the premises,

IT IS HEREBY ORDERED that Plaintiff's action against Defendant, Richard D. Poage, and Defendant's action against Third-Party Defendants, Adesco, Inc. and Don Combs, be and the same hereby are, dismissed with prejudice, each party hereto to bear their own costs.

IT IS SO ORDERED this 5<sup>th</sup> day of January, 1984.

S/ JAMES O. ELLISON

JAMES O. ELLISON, United States  
District Judge

IN THE UNITED STATES DISTRICT COURT WITHIN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

LOCAL LODGE 790 of the  
INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE  
WORKERS, AFL-CIO,

Plaintiff,

vs.

VICKERS, INC., a Delaware  
Corporation,

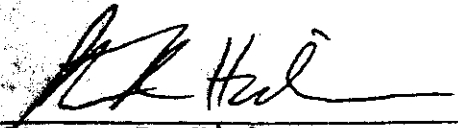
Defendant.

Case No. 83-C-641-C

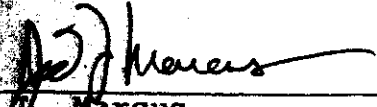
STIPULATED NOTICE OF DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff and dismisses with prejudice  
the above-entitled action against Vickers, Inc., each party to  
bear its own costs.

Defendant concurs with the above.

  
Steven R. Hickman  
Attorney for Plaintiff  
717 South Houston, Suite 400  
Tulsa, Oklahoma 74127  
(918) 584-4724

HALL, ESTILL, HARDWICK, GABLE  
COLLINGSWORTH & NELSON, INC.

  
Jed A. Marcus  
Attorney for Defendant  
1100 Bank of Oklahoma Tower  
One Williams Center  
Tulsa, Oklahoma 74172  
(918) 588-4099

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN -5 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CRAWFORD, CROWE & BAINBRIDGE; )  
HOLLIMAN, LANGHOLZ, RUNNELS & )  
DORWART; and CHASE EXPLORATION )  
CORPORATION, )

Appellants, )

vs. )

No. 83-C-241-C

JAMES R. ADELMAN, Trustee of )  
the bankruptcy estate of Chase )  
Exploration Corporation, )

Appellee. )

O R D E R

The appellants herein, Crawford, Crowe & Bainbridge; Holliman, Langholz, Runnels & Dorwart; and Chase Exploration Corporation, have appealed the March 1, 1983 order of the Bankruptcy Court for the Northern District of Oklahoma which granted the application of the appellee, James R. Adelman, Trustee of the bankruptcy estate of Chase Exploration Corporation, to enter into a secured revolving credit agreement with Northern Trust Company.

Defendant Trustee argues that one of the appellants, Chase Exploration Corporation, was a debtor in the bankruptcy proceedings identified above. The defendant Trustee is also the trustee of the bankruptcy estate of Chase Exploration. Defendant argues that since the Trustee is the representative of the estate under the Bankruptcy Reform Act of 1978, the Appellant Chase

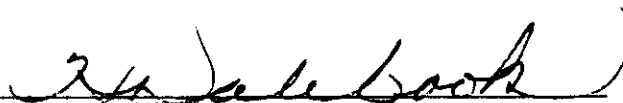
Exploration Corporation is not properly before the Court because the firm of Crawford, Crowe, & Bainbridge have no legal ability or capacity to maintain an action on its behalf. Since Appellant Chase Exploration has offered no legal basis or authority for its appeal of the bankruptcy ruling in regard to its own trustee, the Court must sustain the motion of the defendant Trustee to dismiss Chase Exploration Company as an appellant herein.

The appeal herein involves the ruling of the Bankruptcy Court granting the Trustee's motion to incur post-petition secured indebtedness. The bankruptcy court found, based on the testimony at a hearing, that financing sought by the Trustee would not be available from another source; that the objections of appellants were based largely on acrimony surrounding the lawsuit; that the financing agreement had the endorsement of counsel for the Creditors' Committee; and authorized the trustee to incur the indebtedness in accordance with the application. The appellants contend that the Bankruptcy Court abused its discretion in so ruling, and in addition, violated due process by holding the hearing regarding the Feb. 22, 1983 application on March 1, 1983.

Under Rule 810 of the Bankruptcy Rules, this Court is required to accept the findings of fact of the Bankruptcy Court unless they are clearly erroneous. Zarate v. Baldwin, 578 F.2d 293 (10th Cir. 1978). The Court has reviewed the briefs and authorities herein, and finds nothing clearly erroneous in the decision of the bankruptcy court, nor does it find a violation of due process. Therefore, the order of the bankruptcy court herein

is hereby affirmed, and Chase Exploration Corporation is dismissed as an appellant.

It is so Ordered this 4<sup>th</sup> day of January, 1984.

  
H. DALE COOK  
Chief Judge, U. S. District Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

*Entered*

FILED

JAN -5 1984

JACK C. SUMER, CLERK  
U.S. DISTRICT COURT

MARVIN C. CATRON and  
HELEN CATRON,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 82-C-754-B

JUDGMENT

In accordance with the Findings of Fact and Conclusions of Law entered December, 8, 1983, judgment is hereby entered in favor of plaintiffs, Marvin C. Catron and Helen Catron, and against defendant, United States of America, for \$22,970.00, plus interest as provided by 28 U.S.C. §2411 and 26 U.S.C. §6621 referred to therein. Costs are assessed against the defendant.

ENTERED this 5<sup>th</sup> day of January, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN -5 1984

JACK O. SILVER, CLERK  
U.S. DISTRICT COURT

BOBBY G. JACKSON,

Plaintiff,

v.

NO. 83-C-644-B

MARGARET M. HECKLER,  
Secretary of Health and  
Human Services of the  
United States of America,

Defendant.

O R D E R

The plaintiff, Bobby G. Jackson, has filed a complaint seeking judicial review and reversal, or alternatively remand, of this case based upon a decision of the defendant, Margaret M. Heckler, Secretary of Health and Human Services (Secretary), terminating disability benefits and supplemental security income under the provisions of 42 U.S.C. §405(g). The Secretary filed a certified copy of the transcript of record with her answer on November 14, 1983 (hereinafter designated as TR-\_\_\_). In conducting this judicial review, it is the responsibility of the Court to examine the facts contained in the record, evaluate conflicts, and make a determination therefrom as to whether the facts support the several elements which make up the ultimate administrative decision. Heber Valley Milk Co. v. Butz, 503 F.2d 96 (10th Cir. 1974); Nickol v. United States, 501 F.2d 1389 (10th Cir. 1974).



I.

On May 19, 1983, the Appeals Council, Office of Hearings and Appeals, concluded there was no basis for granting a review (TR-3) of the decision of the Administrative Law Judge. Therefore, the decision of the Administrative Law Judge, dated March 2, 1983, became the final decision of the Secretary. The Administrative Law Judge made the following findings therein:

1. The claimant was found to be disabled within the meaning of the Social Security Act beginning August 1, 1978. Claimant engaged in substantial gainful activity until October 10, 1978, worked as a watchman for a construction company for three days in June 1981 and had no difficulty in performing his duties. He secured the necessary tools and started working as a self-employed bit retipper prior to January 1983 and this work is being performed for his former employer.
2. The medical evidence establishes that the claimant has chronic depression, but that at least since March 23, 1982 he has not had an impairment or combination of impairments listed in or medically equal to one listed in Appendix 1, Subpart P, Regulation 4.
3. Beginning March 23, 1982 the claimant had the residual functional capacity to perform work-related functions except for work involving a significant amount of stress (20 CFR 404.1545).
4. The claimant's past relevant work as a bit retipper did not require the above limitations (20 CFR 404.1565).
5. The claimant's impairment does not prevent him from performing his past relevant work.
6. The claimant's disability ceased on May 7, 1982 (20 CFR 404.1520(e)).

On July 25, 1980, the Social Security Administration determined plaintiff was and had been disabled since August 1,

1978 due to severe psychoneurosis with anxiety and depression (TR 122-123). On May 7, 1982, following a continuing disability review, the Social Security Administration determined plaintiff became able to do substantial gainful work in April 1982 and terminated disability benefits effective July 31, 1982. (TR 132-133) Upon plaintiff's request for reconsideration, the decision was affirmed (TR 139) and plaintiff made a timely request for hearing. (TR 140) A hearing was conducted January 14, 1983. Testifying at the hearing were a psychiatrist, C. Frank Knox, Jr., M.D., and plaintiff. The testimony, as summarized, follows:

Dr. Knox testified based upon review of medical reports concerning plaintiff, the plaintiff appeared to have difficulty in functioning in the vocational area as well as a social area. He noted plaintiff had been under treatment by a psychiatrist for some time, and that there was evidence of an underlying personality disorder that had not improved very much over the last few years, except that plaintiff was able to attend vocational rehabilitation classes beginning in August 1981. Predominate features were lack of self-confidence, lack of self-esteem, chronic anxiety and chronic depression.

The plaintiff testified he lives in Cleveland, Oklahoma, is married and has seven children, ranging in age from 15 to 4 years. He has a high school education and worked for R & L Welding Service in Cleveland for 17 or 18 years as a rotary bit retipper before quitting in 1978. He recently acquired welding equipment

and does some bit retipping at his home for his former employer, although he cannot do the work on a steady basis because it causes him to lose his balance and become depressed. He has taken classes in electronics through vocational rehabilitation and came within 16 weeks of completing the course. He quit because his money for the classes was cut off.

The plaintiff has no hobbies. He has hunted and fished in the past but has done neither in recent years. He does not drink. He attends church occasionally. He attempted to work at a sand plant three or four years ago but could not operate the equipment because he got dizzy. He has seen a psychiatrist once a month for the past three or four years and takes a prescription medicine. He claims to be able to handle ordinary problems fairly well.

The medical evidence is summarized as follows:

(a) Report of Edward K. Norfleet, M.D., of August 10, 1979 (Exhibit 21)--Dr. Norfleet reported he had seen plaintiff on four occasions, the last being August 7, 1979. After the first examination, he was placed on Triavil 2-25 and Antivert for dizziness. On his second visit he complained of worsened dizziness. He was extremely depressed. Dr. Norfleet stated that plaintiff appeared to be very dejected and forlorn. There was a noted lack of attentiveness. He demonstrated self-hatred. He felt abandoned and pessimistic, and had unreasonable fears. There was very marked psychomotor retardation and an associated chronic anxiety. Dr. Norfleet could not determine the cause of

his dizziness. He concluded plaintiff was not able to work in a competitive work environment but might conceivably be trained to do some type of shop work.

(b) Report of Frank D. Chapman, M.D. of September 7, 1979 (Exhibit)--Plaintiff had been seen by Dr. Chapman on numerous occasions during the past three years complaining of dizziness and a concern about having cancer. He was evaluated by Dr. Munson Fuller of Tulsa and placed on Ronicol for the dizziness. Dr. Chapman stated he felt plaintiff was suffering from an emotional problem and not a physical problem, that he needed psychiatric help and was probably disabled by his own inability to deal with day to day living.

(c) Report of Edward K. Norfleet, M.D. of October 15, 1979 (Exhibit 23)--Dr. Norfleet again stated he did not know the cause of plaintiff's dizziness. He had no gross physical abnormalities. Dr. Norfleet diagnosed his problem as an inadequate personality with a very marked feeling of insecurity. He showed evidence of a continuing psychoneurotic depression reaction.

(d) Report of James C. Walker, M.D. of October 8, 1979 (Exhibit 24)--Dr. Walker reported after examining plaintiff he could find no clinical or neurological signs consistent with a neurological deficit or dysfunction to account for plaintiff's dizziness.

(e) Letter of Edward K. Norfleet, M.D. of December 1, 1979 (Exhibit 25)--Dr. Norfleet reiterated his opinion that plaintiff was disabled and could not work.

(f) Letter of Edward K. Norfleet, M.D. of December 1, 1979 (Exhibit 26)--Dr. Norfleet stated plaintiff was so dizzy he could not drive to work. He could not carry out complex or simple instructions on a continuing basis. His IQ was dull normal.

(g) Report of Salvatore Russo, Ph.D. of May 19, 1980 (Exhibit 31)--Dr. Russo reported plaintiff appeared to be healthy and robust although he showed some psychomotor retardation. He had a verbal IQ of 111 and a performance IQ of 8, with a full scale of 99. The large discrepancy between the verbal and performance scores indicated plaintiff suffered from some severe problem. Dr. Russo concluded plaintiff had a schizoid personality, suffered from dizziness and was making only a marginal psychological adjustment. He suffered from an inadequate personality and worried so much that he could become dizzy, afraid and mentally confused. Dr. Russo concluded plaintiff was a severe neurotic with chronic depression of a morbid type. His psychological condition was severe enough to make him disabled.

(h) Report of Ronald C. Passmore, M.D. of June 3, 1980 (Exhibit 32)--Dr. Passmore stated plaintiff appeared to show symptoms of both anxiety and depression, with an inadequate personality. He appeared to be a passive-dependent person who at the time had symptoms of depression and anxiety which were disabling.

(i) Report of Edward K. Norfleet, M.D. of June 5, 1980 (Exhibit 34)--Tests showed plaintiff had an IQ of 90, in the dull

normal range, and was moderately depressed. He continued to complain of dizziness, and continued to have a considerable amount of psychomotor retardation. He continued to suffer with a psychoneurotic depressive reaction and there was an associated chronic anxiety reaction. He was not, in the doctor's opinion, able to work in a competitive work environment.

(j) Report of Edward K. Norfleet, M.D. of February 24, 1982 (Exhibit B-19)--Dr. Norfleet reported plaintiff had not improved much since the initial reports. He continued to show a moderate amount of depression and a dull normal IQ. He had no gross physical deformities but continued to complain of dizziness and to suffer from a considerable amount of psychomotor retardation associated with psychoneurotic depressive reaction. Dr. Norfleet also reported a moderate degree of paranoid ideation and an associated chronic anxiety reaction.

(k) Report of Joe C. Fermo, Jr., M.D. of March 23, 1982 (Exhibit B-20)--Plaintiff was correctly oriented to time, place and person and his memory for remote and recent events was well preserved. He denied depression and problems with his nerves. His primary complaint was dizziness. He appeared to function at an average intellectual level, and judgment and reasoning were not markedly impaired. Dr. Fermo concluded it appeared plaintiff could not be engaged in a competitive type of job at the time. The diagnosis was chronic anxiety neurosis with mild depression as manifested by plaintiff's complaints of rather vague and perhaps delusional degree and some hysterical features.

(l) Report of Edward K. Norfleet, M.D. of May 3, 1982 (Exhibit B-21)--Dr. Norfleet reported he had seen plaintiff in his office on two occasions since his February 24, 1982 report. He was continuing on Triavil for depression and Nicobid-400 for dizziness. He continued to be depressed and anxious.

(m) Report of Edward K. Norfleet, M.D. of December 6, 1982 (Exhibit B-25)--Plaintiff continued to see Dr. Norfleet on a monthly basis and continued to be extremely depressed. There was a very marked psychomotor retardation and associated chronic anxiety. He continued on Triavil 2-25 and was occasionally given Dalmane, 30 mgs., to be taken for sleep. It was Dr. Norfleet's opinion plaintiff continued to be 100% disabled.

(n) Letter of Edward K. Norfleet, M.D. of January 28, 1983 (Exhibit B-26)--Plaintiff continued to be seen for treatment and was on Triavil 2-25 and Dalmane for insomnia. Dr. Norfleet considered plaintiff to be suicidal and to be totally disabled.

The sole issue urged by the plaintiff in support of the complaint for administrative review is that the Secretary's decision was not supported by substantial evidence. The scope of the Court's review authority is narrowly limited by 20 CFR §405(g). The Secretary's decision must be affirmed if supported by substantial evidence. Gardner v. Bishop, 362 F.2d 917 (10th Cir. 1966); Stevens v. Mathews, 418 F.Supp. 881 (W.D. Okla. 1976).

Substantial evidence is more than a scintilla and it is such relevant evidence as a reasonable mind might accept as adequate

to support a conclusion. Richardson v. Perales, 402 U.S. 389, 401 (1971). However, substantial evidence is less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not preclude a finding that substantial evidence supports the Secretary's decision. Consolo v. Federal Maritime Comm., 383 U.S. 607, 620 (1966).

In addition, the district court must review the findings of the Secretary to determine whether the Secretary applied the proper standards in reaching her decision. McCarty v. Richardson, 459 F.2d 3 (5th Cir. 1972); Bocain v. Mathews, 411 F.Supp. 1200 (N.D. Iowa 1970); de la Cruz Sanchez v. Weinberger, 382 F.Supp. 901 (D.P.R. 1974); Hope v. Secretary of Health, Education and Welfare, 347 F.Supp. 1048 (E.D.Tex. 1972).

The Social Security Act provides every individual who is under the age of 65, suffers from a disability, and meets special earning requirements, is entitled to disability insurance benefits. 42 U.S.C. §423(a)(1) (1976). A disability is an "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months...." 42 U.S.C. §423(d)(1)(A) (1976). An impairment is not deemed severe when "it does not significantly limit an individual's physical or mental capacity to perform basic work-related functions." Lofton v. Schweiker, 653 F.2d 215, 217 (5th Cir. 1981).



The grid regulations of the Social Security Administration, 20 C.F.R. §§404.1501 et seq. (1982), provide for the sequential evaluation of disability. The first step in evaluating disability is to determine whether the claimant is working and whether the work he is doing is "substantial gainful activity." 20 CFR §404.1520(b) (1982). If it is found that claimant is engaged in substantial gainful employment, the claim is denied without reference to the subsequent steps in the sequence. If claimant is not employed, the second inquiry is whether claimant has "any impairment(s) which significantly limit(s) [claimant's] physical or mental ability to do basic work activities." 20 CFR §404.1520(c) (1982). If claimant is found to have no "severe impairment," the claim is denied. If the Administrative Law Judge finds a claimant has a "severe impairment," additional steps must be followed.

The Administrative Law Judge found, based upon the claimant's remaining capacity for work and the physical and mental demands of the work he has done in the past, that the claimant has the residual functional capacity to do his past relevant work. The Administrative Law Judge noted in so finding that although claimant was determined to have been disabled from August 1, 1978, he continued to engage in substantial gainful activity for the first three months of his waiting period and that claimant worked as a watchman for three days in June 1981 without experiencing any difficulty in accomplishing his duties as watchman. In addition, for seven months claimant spent six

hours a day, five days per week, commuting to and attending vocational training. Also, before the hearing, plaintiff had resumed his past work as a drill bit retipper, working out of his home.

The Court is persuaded that substantial evidence supports the Administrative Law Judge's findings that the plaintiff has no severe impairment which would prevent him from engaging in substantial gainful work activity. The evidence fails to establish the plaintiff continues to be precluded from substantial gainful activity for which he is qualified considering his age, education, and past work experience. 20 CFR §404.1520 (1982). The evidence fails to establish he is disabled within the meaning of the Act. 42 U.S.C. §§416(i)(1) and 423(d)(1)(A) (1976).

After thoroughly examining the administrative record before it, the Court is of the opinion that substantial evidence is contained therein to support the Secretary's decision that plaintiff is not disabled within the meaning of the Social Security Act. Further, the Court finds the Administrative Law Judge applied proper grid regulations in reaching his decision.

Accordingly, the Secretary's decision should be affirmed and a judgment of affirmance will be entered this date.

ENTERED this 5 day of January, 1984.



THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA JAN - 4 1984

STRUTHERS OIL & GAS CORPORATION,  
a Delaware Corporation,

Plaintiff,

vs.

MICHIGAN WISCONSIN PIPE LINE  
COMPANY, a Corporation,

Defendant.

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

No. 83-C-921-E

ORDER

Now on this 4<sup>th</sup> day of January, 1984, this matter coming upon Defendant's Motion to Dismiss for Lack of Jurisdiction, and Plaintiff has stated no objection to Defendant's Motion;

IT IS ORDERED that the above styled cause is Dismissed without Prejudice.

  
U.S. DISTRICT COURT JUDGE

IN THE UNITED STATES DISTRICT COURT WITHIN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN -4 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

EATHEL HILL, et al.,

Plaintiffs,

vs.

WAL-MART STORE, INC.,  
a Delaware corporation,

Defendant.

Case No. 83-C-811-C

STIPULATION OF PARTIAL DISMISSAL

COME NOW the parties by and through their respective attorneys of record and stipulate the the dismissal of the action of Joseph Hill on file herein.

FRASIER & FRASIER

---

STEVEN R. HICKMAN  
Attorney for Plaintiff  
1700 Southwest Boulevard  
Suite 100  
P.O. Box 799  
Tulsa, Oklahoma 74101  
(918)-584-4724

&

KNIGHT, WAGNER, STUART, WILKERSON &  
LIEBER

---

JOHN H. LIEBER  
Attorney for Defendant  
233 West 11th  
Tulsa, Oklahoma 74119  
(918)-584-6457

UN-

COURT FOR THE  
OF OKLAHOMA

**FILED**

UNITED STATES OF AMERICA

JAN 4 1984

Plaintiff,

Jack C. Silver, Clerk  
U.S. DISTRICT COURT

vs.

EDON W. CARTER,

CIVIL ACTION NO. 83-C-693

R

On the 4th day of  
January, 1984, it appears  
that the Complaint against

January, 1984, it appears  
case has not been located  
Oklahoma, and therefore attempt

to locate the Complaint against

EDON W. CARTER,

that the Complaint against  
is dismissed without

prejudice.

S/ JAMES O. ELISON

UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

JAN 4 1984

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CURTIS N. BRICE,

Defendant.

Jack C. Silver, Clerk  
U. S. DISTRICT COURT

CIVIL ACTION NO. 83-C-669-E

DEFAULT JUDGMENT

This matter comes on for consideration this 4<sup>th</sup> day of September, 1983, the Plaintiff appearing by Frank Keating, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and the Defendant, Curtis N. Brice, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Curtis N. Brice, was served with Summons and Complaint on August 5, 1983. The time within which the Defendant could have answered or otherwise moved as to the Complaint has expired and has not been extended. The Defendant has not answered or otherwise moved, and default has been entered by the Clerk of this Court. Plaintiff is entitled to Judgment as a matter of law.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover Judgment against Defendant, Curtis N. Brice, for the principal sum of \$319.20, plus interest at the legal rate from the date of this Judgment until paid, and costs of this action.

S. JAMES C. HILSON

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN -4 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

BILL FORREST, )  
)  
Plaintiff, )  
)  
-vs- )  
)  
UNITED STATES FIDELITY )  
& GUARANTY COMPANY, a )  
Maryland corporation, )  
)  
Defendant.)

No. 83-C-643-C

ORDER OF DISMISSAL

On the 4<sup>th</sup> day of January, 1984, upon joint application of the parties and by reason of settlement, the above styled and numbered cause is hereby dismissed with prejudice.

151 H. Darr Cook  
JUDGE

APPROVED AS TO FORM:

151 Bill Wilkinson  
BILL V. WILKINSON  
Attorney for Plaintiff

James E. Poe  
JAMES E. POE  
Attorney for Defendant

FILED

JAN -4 1954

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

CIVIL ACTION No. 83-C-4-E

STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW the United States of America by Layn R. Phillips, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, and Tulsa Tractor Company, by and through its attorney, Mark W. Dixon, and hereby stipulate and agree that this action be dismissed with prejudice. The United States of America and Tulsa Tractor Company desire to dismiss this case for the reason that these parties have settled their differences. The other Defendants have previously been dismissed.

UNITED STATES OF AMERICA

LAYN R. PHILLIPS  
United States Attorney

PETER BERNHARDT  
Assistant United States Attorney

MARK W. DIXON, Attorney for  
Tulsa Tractor Company



IN THE UNITED STATES DISTRICT COURT IN AND FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN -4 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

J & H OIL COMPANY, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
LASSETTER PETROLEUM CORP., )  
 )  
Defendant. )

No. 83-C-274-C

ORDER DISMISSING ACTION WITH PREJUDICE

NOW on this 4 day of January, 1984,  
there came on for hearing the motion of Plaintiff for an Order  
dismissing the above entitled action with prejudice, and the  
Court being fully advised, it appears such motion is well taken.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the  
Court that the above entitled action be, and the same is hereby  
dismissed with prejudice.

131 H. Dale Cook  
JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:

F. Saw Bonnet  
Attorney for Plaintiff

Ernest R. Nease  
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN - 4 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

BAUMEISTER CORP. TEXAS, INC.

Plaintiff,

vs.

No. 82-C-878-C ✓

GENCO OIL & GAS CO., BILL  
MOUNCE, GARNET E. NORWOOD,  
GREG THOMPSON,


Defendants.

O R D E R

Now before this Court for its consideration is the motion of the plaintiff to dismiss the instant action against all defendants with prejudice. After consideration of the record herein and the motion of the plaintiff, this Court concludes that this action should be dismissed with prejudice against all defendants pursuant to Fed.R.Civ.P. 41(a)(2).

It is therefore the Order of this Court that the instant action is dismissed with prejudice.

It is so Ordered this 4th day of January, 1984.

  
H. DALE COOK  
Chief Judge, U. S. District Court

Entered

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STANG HYDRONICS, INC., a  
Delaware Corporation,

Plaintiff,

vs.

No. 83-C-1026B

TRIPLE K LEASING CO., an  
Oklahoma Corporation, Kevin  
KINZIE, an individual, MABEL  
KINZIE, an individual, and  
WILLIAM KINZIE, an individual,

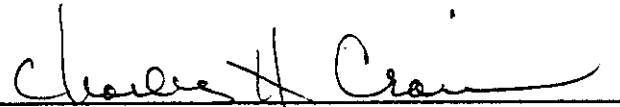
Defendants.

NOTICE OF PARTIAL DISMISSAL

TO: Triple K Leasing  
Kevin Kinzie  
Mabel Kinzie  
William Kinzie

Please take note that the Plaintiff, Stang Hydraulics, Inc., discontinues the above entitled action without prejudice and dismisses the complaint against Kevin Kinzie, Mabel Kinzie, and William Kinzie for the reasons set forth in the affidavit attached hereto.

Dated: January 4, 1984.

  
Charles H. Crain  
Of BOESCHE, McDERMOTT & ESKRIDGE  
320 South Boston, Suite 1300  
Tulsa, Oklahoma 74103  
(918) 583-1777

ATTORNEY FOR STANG HYDRONICS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4<sup>th</sup> day of Jan, 1984 he mailed a true and correct copy of the above and foregoing Notice of Partial Dismissal to the following persons by depositing the same in the United States mail in

Tulsa, Oklahoma with first class postage fully prepaid thereon.

William Kinzie  
12788 E. 39th St.  
Tulsa, Oklahoma 74135

Mabel Kinzie  
12788 E. 39th St.  
Tulsa, Oklahoma 74135

Kevin Kinzie  
12788 E. 39th St.  
Tulsa, Oklahoma 74135

Secretary of State  
State of Oklahoma  
101 State Capitol  
Oklahoma City, Oklahoma 73105-4897  
Service Agent for Triple K Leasing

Charles H. Cra

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STANG HYDRONICS, INC., a  
Delaware Corporation,

Plaintiff,

vs.

No. 83-C-1026B

TRIPLE K LEASING CO., an  
Oklahoma Corporation, Kevin  
KINZIE, an individual, MABEL  
KINZIE, an individual, and  
WILLIAM KINZIE, an individual,

Defendants.

AFFIDAVIT

Kevin Kinzie, Mabel Kinzie and William Kinzie, of lawful age  
and being first duly sworn, state:

1. That they are individuals who have been named as  
defendants in the above entitled cause.
2. That they have been properly served with Summons and  
Complaint in this action.
3. That they have not served an answer of any other  
pleading on an adverse party herein.
4. That they were officers and directors of a corporation  
titled Triple K Leasing which had its charter suspended by the  
Secretary of State on April 6, 1981.
5. That they have not operated or done business in Oklahoma  
since April 6, 1981, under the name of Triple K Leasing nor are  
aware of anyone who has.
6. That they have no knowledge of any of the facts or  
claims in this lawsuit and should not be parties thereto.

Further affiants saith not.

Kevin Kinzie  
Kevin Kinzie

Mabel Kinzie  
Mabel Kinzie

William Kinzie  
William Kinzie

Subscribed and sworn to me this 27 day of Dec,  
1988.

Ruth Wheeler  
Notary Public

My Commission Expires:—  
My Commission Expires Apr. 23, 1994

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN -3 1984

JACK C. SILVER, CLERK  
U.S. DISTRICT COURT

GULF OIL CORPORATION )

Plaintiff, )

vs. )

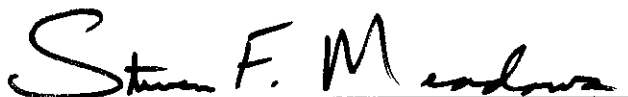
RICKELSON OIL AND GAS )  
COMPANY )

Defendant. )

CIVIL ACTION NO. 83-C-1014E

NOTICE OF DISMISSAL

COMES NOW the Plaintiff, Gulf Oil Corporation, and pursuant to Rule 41(a)(1)(i), Federal Rules of Civil Procedure (28 U.S.C.A.), hereby dismisses the above-styled and numbered cause for the reason that all matters in controversy in this suit between Plaintiff and Defendant have been fully settled and compromised and that there is no further occasion for the prosecution of this suit.

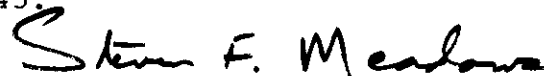


STEVEN F. MEADOWS  
P. O. BOX 1589  
TULSA, OK 74102  
(918) 560-4142

Attorney for Gulf Oil Corporation

CERTIFICATE OF SERVICE

On the third day of January, 1984, a copy of the foregoing Notice of Dismissal was mailed by first-class U.S. mail to Rickelson Oil and Gas Company, 7611 East 46th Place, Tulsa, Oklahoma 74145.



Steven F. Meadows